

**BYLAWS OF THE
HISTORIC PRESERVATION BOARD OF GALLATIN COUNTY**

I. CREATION

The Gallatin County Historic Preservation Advisory Commission was created on September 19, 1989 by the Gallatin County Board of County Commission (Gallatin County Commission) pursuant to Resolution No. 805. The name of the Gallatin County Historic Preservation Advisory Commission was changed to the Historic Preservation Board of Gallatin County ("HPBGC" or "Board") and additional powers and duties were granted on February 22, 1994 by the Gallatin County Commission pursuant to Resolution 1994-07. The Gallatin County Commission clarified and affirmed the role of the Board regarding the inventory and recordation of historic resources through the subdivision process on August 23, 2006 pursuant to Resolution 2006-82. The Board was most recently ratified and reformed on January 15, 2013 by the Gallatin County Commission pursuant to Resolution 2013-_____.

II. PURPOSE AND OBJECTIVE

The Resolutions creating the HPBGC provide for this appointed citizen commission to establish a historic preservation program designed to promote the preservation of historic and prehistoric sites, structures, objects, buildings and historic districts by addressing historic preservation issues at the County level and integrating historic preservation into local, state and federal planning and decision-making processes, as well as identifying, evaluating and protecting historic resources in Gallatin County. They also allow the Board to sponsor and collect fees for events relating to historic preservation in the County, accept gifts and donations for the historic preservation program, and expend funds to assist with the preservation and restoration of historic buildings, structures or other historic or cultural features and research and public education through grants, and to conduct and sponsor events and research relating to historical preservation.

III. MISSION STATEMENT

The HPBGC will be the principal resource of the Gallatin County Commission and of its citizens regarding the importance and stewardship of historic places in the County. The mission of the HPBGC will be to help preserve this heritage by recognizing, promoting and publicizing the significance of the historic districts, sites and structures within the County and by cooperating with the public and county, state and federal agencies to ensure the public awareness towards, and preservation of, this historic heritage.

IV. POWERS AND DUTIES

The Board shall have the following powers and duties which shall be discretionary at the direction of the Gallatin County Commission.

- 1) Maintain a system for survey and inventory of historic districts, sites, structures and prehistoric properties and make this information available to the public.
- 2) Use National Register of Historic Places criteria for designation of such districts, sites, structures and properties

- 3) Participate in the process of nominating to the National Register of Historic Places, including reviewing and commenting on any such nomination in the County.
- 4) Review and comment on planning programs undertaken by the County, City-County Planning and Zoning Boards, and state and federal agencies that relate to historic resources such as land use, improvements, housing, and other public programs, within the time frames required.
- 5) Consult with city, state and federal agencies on all applications, environmental assessments, environmental impact statements and other similar documents as they relate to historic districts, landmark sites, landmarks or neighboring properties within the County and send comments to the State Historic Preservation Office.
- 6) Review local zoning regulations for their applicability to the characteristics of proposed historic districts and make recommendations to the appropriate commission concerning any changes or modifications to the zoning regulations and zoning district boundaries.
- 7) Make recommendations regarding variance applications within any Historic Preservation Overlay Zone in the County.
- 8) Upon request, provide advice and guidance to property owners regarding restoration, alteration, decoration, landscaping or maintenance of potentially historic buildings or structures, and create voluntary design guidelines and make available to the public for assistance in preservation projects.
- 9) Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic preservation.
- 10) Review and make recommendations on tax abatement requested under state law.
- 11) Sponsor and collect fees for events relating to historic preservation in the County and accept gifts and donations for the historic preservation program.
- 12) Expend funds to assist with the preservation and restoration of historic buildings, structures or other historic or cultural features, research and education through grants and to conduct and sponsor events and research relating to historic preservation.
- 13) Prepare annual budgets according to the County's budgeting and accounting process.

V. MEMBERSHIP, APPOINTMENT TERM AND VACANCIES

- 1) The HPBGC shall be established by, functions under the authority of, and will be advisory to the Gallatin County Commission. All appointments to the Board shall be made in accordance to the provisions adopted by the Commission for all similar advisory Committees and Boards and Resolution 2013 - _____.
- 2) The HPBGC shall have eleven (11) members.
- 3) At least three (3) members appointed to and serving on the Board shall have professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, or other historic preservation related disciplines such as cultural geography or cultural anthropology, and at least one member shall be a licensed architect. Retired professionals shall be given consideration equal to practicing professionals.
- 4) Terms for members are three (3) years, except a County Commission may appoint new members to one (1) or two (2) year terms to establish staggered terms and avoid blanket turnover of the membership. Terms shall begin on July 30, except that members that are appointed to fill vacancies shall serve the unexpired term for which they are appointed. Board members are eligible for re-appointment to the Board following the completion of a term.
- 5) The HPBGC shall be empowered to recommend and nominate to the County new members to fill vacancies, which must be filled as soon as possible following the removal or resignation of a member.

Prospective vacancies shall be posted at least one (1) month prior to filling vacancies. Vacancies shall be filled for the term duration of the specific vacancy.

VI. GOVERNANCE

- 1) Officers of the HPBGC will be Chair, Vice Chair, Secretary and Treasurer, who will be elected in September of each year by a majority vote of the Board for a renewable 12-month term. The Board shall replace a resigned or removed officer within thirty (30) days of the vacancy.
- 2) Duties of the Chair shall be to call and conduct meetings and prepare the meeting agendas. Duties of the Vice Chair will be to temporarily assume the duties of the Chair as needed. The Secretary will keep the minutes. At each meeting the minutes of the preceding meeting shall be read before approval by the Board, and thereafter made available for inspection by the public at the Board's website. The Treasurer shall present a financial report to the Board at each regular meeting. The report shall include income, expenditures and current balances and shall be included in the minutes of the meeting.
- 3) An officer of the Board can be removed from that responsibility by resignation or majority vote of the Board.

VII. MEETINGS, MINUTES, VOTING

- 1) All meetings of the HPBGC are open to the public in accordance with the Open Meetings laws of the State of Montana, Title 2, Section 3, Part 2, Montana Code Annotated. The Secretary shall notify all members of all meetings either in person, telephonically, electronically, or in writing. No special meeting shall be held unless diligent efforts have been made to notify all members. To comply with the spirit and intent of the Open Meeting Law, public notice shall be given of all regular and special meetings by giving notice by publication pursuant to Section 7-1-2121, Mont. Code Ann. Any changes to the meeting schedule shall be provided to the Commission no later than three (3) days before the meeting.
- 2) Regular meetings of the HPBGC shall occur on the 3rd Monday, once every month at 5:30PM at County Courthouse, Room 301. Regular meetings may be re-scheduled or postponed, and additional special meetings shall be at the call of the Chair, the Vice Chair in the absence of the Chair, the request of either County Commission, or the request of three (3) members, with notice as provided herein.
- 3) Members shall attend all regular and special meetings of the Board. If unable to attend a meeting, members shall notify the Chair in advance of the meeting. By majority vote of the Board, the Chair may request the resignation of any member who has been absent for three (3) consecutive meetings without such notification or other plausible explanation for the absence.
- 4) A majority of members constitutes a quorum for conducting business and exercising powers and responsibility. Action may be taken by a majority of members present and voting. An action of the HPBGC is not official unless a quorum is present and unless action is authorized by a majority of the quorum at a regular or properly called special meeting.
- 5) There shall be no proxy voting, however voting may take place by teleconference should the absent member wish to be part of the meeting and process. This must be prearranged and the absent member must be available for the entire discussion on the item s/he wishes to vote on.
- 6) Agenda items must be submitted to the Chair at least seventy-two (72) hours before a meeting. The agenda shall be posted and published forty-eight (48) hours prior to a meeting. An agenda item shall

be included allowing public comment on any public matter that is not on the agenda and that is within the jurisdiction of the Board.

- 7) Minutes of all Board meetings shall be kept by the Secretary and shall be signed by the Secretary and by the Chair, or in his or her absence, the Vice chair or in his or her absence any Board member present, after approval by the Board at the next meeting. Minutes and all documents generated by the HPBGC shall be available for public inspection and preserved consistent with public records law and any policies adopted by the Counties. Minutes shall include the date, time and place of meeting; a list of the individual Board members in attendance; the substance of all matters proposed, discussed, or decided; and the final vote on all actions and vote of each member.

VIII. BYLAWS AND CONFLICT OF INTEREST

- 1) These Bylaws may be altered, amended or repealed and new bylaws may be adopted by the affirmative vote of a majority of members present and voting, if at least two weeks written notice is given and posted of the intention to alter, amend or repeal or to adopt new bylaws at such meeting, and with the consent and approval of the Gallatin County Commission.
- 2) A matter in which a member has a conflict of interest must be disclosed on the record. That member may not participate in discussion of the matter or motion being considered, and shall not attempt to exert personal influence with respect to the matter, either at or outside the meeting. Such non-participation may necessarily include leaving the meeting.

These Bylaws were approved 2/25/13.

Sally J. Broughton

Chairperson, Historic Preservation Board of Gallatin County

William A. Koenig

Chair, Gallatin County Commission

Date 1/15/13

Copies:

Gallatin County Historic Preservation Board
Gallatin County Commissioners
County Attorney