



Historic Preservation
Commission of the
City of Auburn

Bylaws of the Historic Preservation Commission

May 11, 2021

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION OF AUBURN, ALABAMA

ARTICLE I – Objective

The objective and purpose of the Historic Preservation Commission (HPC) of the City of Auburn, Alabama are those set forth in Title 11, Chapter 68 of the Code of Alabama amendments and supplements thereto and those powers and duties delegated to the Historic Preservation Commission by the City Council.

ARTICLE II – Officers

Section 1 – The Commission shall consist of seven members appointed in accordance with Section 11-68-3 of the Code of Alabama. The officers of the Historic Preservation Commission shall consist of a Chair, and a Vice- Chair. Additional administrative duties will be provided by the staff member(s) of the Planning Department assigned to work with the HPC.

Section 2 – The Chair shall preside at all meetings and hearings of the Historic Preservation Commission and shall have the duties normally conferred by parliamentary usage of such offices. The Chair may succeed himself/herself.

Section 3 – The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon.

Section 4 – The Vice-Chair shall act for the Chair in his/her absence.

Section 5 – The Planning staff representative(s) shall keep the minutes and records of the Commission, prepare the agenda of regular and special meetings, provide notice of meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties.

ARTICLE III – Election of Officers

Section 1 – The officers shall be elected each year for a one-year term by the Commission, at their first regular meeting in June of each year or an adjourned meeting of their first regular meeting in June.

Section 2 – The candidate receiving a majority vote shall be declared elected and shall serve for one year or until a successor shall take office.

Section 3 – Vacancies in offices shall be filled immediately by regular election procedure.

ARTICLE IV – Meetings

Section 1 – Regular meetings will be held on the 2nd Tuesday of each month unless otherwise stipulated.

Section 2 – Four members shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present at a regular or special meeting, no action taken at such meeting shall become final unless and until ratified and confirmed at a subsequent meeting at which a quorum is present. If during the course of the meeting, attendance is less than four members, no official action can be taken.

Section 3 – In the absence of any provision that rules to the contrary, the rules of procedure provided by Roberts Rules of Order shall prevail.

Section 4 – Members may be removed by the City Council for neglect of duty, malfeasance in office, or violation of the attendance policy for City of Auburn Boards and Commissions, which states:

- a. If a member of a municipal Board or Commission misses more than three consecutive regular meetings or one-third of the regular meetings in any 12 month period without a valid excuse, the member will be notified in writing by the City Manager that s/he has been automatically released from membership on the board.
- b. If a member wishes to submit an explanation for failing to attend meetings of the board or commission, s/he should do so in writing to the Mayor who will present it to the entire City Council at the next regular meeting. S/he must do so within ten days of the receipt of the City Manager's letter
- c. The City Council will consider the appeal and make a final determinations to the member's status on the board or commission.

Section 5 – Extra meetings may be called by the Chair as the need arises. All members of the Commission shall be notified of such meeting no less than 48 hours in advance.

ARTICLE V – Agenda

Section 1 – Applicants desiring to place any item of business on the agenda for consideration by the Historic Preservation Commission shall submit all required supporting data to the Planning Department Staff no later than 14 business days prior to the meeting in which the matter is to be considered by the Commission.

Section 2 – The Commission support staff shall distribute copies of all relevant agenda items and supporting data submitted for consideration by the Historic Preservation Commission to all appropriate agencies for review and comment.

Section 3 - On the Thursday preceding the Tuesday of each meeting, the Planning Department Staff will prepare and transmit an agenda of items to be brought before the Historic Preservation Commission and an analysis with recommendations respective to each agenda item to each member of the Commission.

Section 4 – No petition for any item of business shall be considered or voted on by the Commission unless such application or petition appears on the agenda and all complete information is submitted.

ARTICLE VI – Committees

Section 1 – The Historic Preservation Commission may establish such committees, as it deems advisable and assign each committee specific duties or functions.

Section 2 – The Chair shall designate the members of each committee and shall name the Chair of each committee. The Chair shall fill vacancies on committees as they are created.

ARTICLE VII – Hearings

Section 1 – In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that such hearings will be in the public interest.

Section 2 – Notice of such hearings shall be published in a newspaper of general circulation at least 7 days before the hearing. In the case of hearings involving specific property, a sign will be placed on the property, giving notice of the hearing.

Section 3 – The case before the commission will be presented in summary by the Commission support staff, and the petitioner, if the petitioner desires to address the HPC.

Section 4 – A member of the Commission shall disqualify himself/herself from voting on any application or petition to which he or she has any knowledge of the following conditions: (a) The member, spouse of the member, or any immediate family of the member holds pecuniary interest, either as agent or owner, in the property in question, (b) the member, spouse of the member, or any immediate family of the member, is employed or is the employer, retained, or acting as agent for any party directly involved in the petition or application at any time during the six months preceding the date on which the petition or application is brought before the Commission, whether or not that party is present; the member, spouse of the member, or immediate family of the member has performed any professional service in connection with the property involved in the application or petition at any time during the six months preceding the date the matter is brought before Commission.

Section 5 – It shall be the duty of any party involved in a matter before the Commission to inform the Chair if said party has knowledge of any reason why any member of the Commission should disqualify himself/herself from voting on the matter before the Commission.

Section 6 – In the event that a member fails to disqualify himself from voting on any application or petition when such disqualification is required by Section 4 of this article, the Chair shall have the power to disqualify the member from voting on the application or petition in question. If a vote on the matter has been taken prior to such disqualification, the Chair shall declare the vote of the disqualified member to be null and void, and the disposition of the appeal or application shall be as if the disqualified member had not voted.

Section 7 – In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter.

Section 8 – Willful violation of the terms of Section 4 of this article by a Commissioner shall be grounds for a recommendation to City Council to remove that Commissioner from office.

ARTICLE VIII – Amendments

Section 1 - These bylaws may be amended by a two-thirds vote of the voting membership of the Commission, but only after the proposed change has been read and discussed at a previous regular meeting. However, the bylaws may be changed at the first meeting by unanimous vote of the Commission.

Section 2- These bylaws shall be reviewed annually.

Section 3 – The Design Review Standards may be amended by a two-thirds vote of the voting membership of the Commission, but only after the proposed changes have been read and discussed at a previous regular meeting. A public hearing shall be required and notice provided in a newspaper of general circulation at least 7 days before the hearing.

Adopted July 27, 1999 and revised May 11, 2021