

RESOLUTION NO. 2021-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA AND PERTAINING TO THE HISTORIC PRESERVATION BOARD; ADOPTING RULES OF PROCEDURE AS PROVIDED IN EXHIBIT “A”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 3, 2002, the City Council adopted Ordinance Number 1686 which established a chapter in the City Code known as the New Port Richey Historic Preservation Code; and

WHEREAS, the Land Development Code Chapter 18, Historic Preservation, Section 18.01.05.I provides “The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Article. Such rules and regulations shall conform to the provisions of this Article and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations by the Board, and the same has been approved by the City Council and filed with the City Clerk so as to be available for public inspection. Amendments shall be adopted in a like manner. Upon approval by the City Council, such rules and regulations shall have the full force and effect of law within the City”; and

WHEREAS, the City Council is desirous of participating in the Certified Local Government (CLG) Program, which program is administered by the National Park Service and the State Historic Preservation Office; and

WHEREAS, participation in the CLG Program allows the City to access technical assistance, training, and grants which would not otherwise be available; and

WHEREAS, the CLG Program guidelines require the adoption of Board Rules of Procedure; and

WHEREAS, this Resolution provides Rules of Procedure for the Board consistent with the CLG Program guidelines and LDC § 18.01.05.I; and

WHEREAS, at the duly noticed July 13, 2020 Board meeting, the Historic Preservation Board considered the Resolution and recommended the City Council adopt this Resolution; and

WHEREAS, at the duly noticed September 1, 2020 City Council meeting the City Council considered this Resolution establishing Board Rules of Procedure; and

NOW THEREFORE, BE IT RESOLVED by the City Council of New Port Richey, Florida

Section 1. Rules of Procedure. The Historic Preservation Board Rules of Procedure as set forth in Exhibit “A” are hereby adopted.

Section 2. Effective date. This resolution shall become effective upon adoption.

DONE AND RESOLVED this ____ day of _____, 2020.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

EXHIBIT "A"
CITY OF NEW PORT RICHEY, FLORIDA
HISTORIC PRESERVATION BOARD RULES OF PROCEDURE

CHAPTER I: IN GENERAL

- A. **Authority.** These Rules of Procedure are authorized by Land Development Code Chapter 18, Historic Preservation, Section 18.01.05.I, which provides "The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Article. Such rules and regulations shall conform to the provisions of this Article and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations by the Board, and the same has been approved by the City Council and filed with the City Clerk so as to be available for public inspection. Amendments shall be adopted in a like manner. Upon approval by the City Council, such rules and regulations shall have the full force and effect of law within the City." Nothing in these Rules of Procedure shall supersede Ordinances adopted by the City of New Port Richey City Council concerning the Board and to the extent there is a conflict between any Ordinance and these Rules of Procedure, the Ordinance shall prevail.
- B. **Purposes.** The purposes of these Rules of Procedure is to establish a reasonable and consistent process for the Board to consider, hear, and act upon certain regulatory and administrative matters consistent with federal and state law and the City's Code of Ordinances. The Rules of Procedure are intended to:
1. Ensure fair and impartial treatment of each Applicant, Respondent, or Person who is interested in or may be aggrieved by an action; and
 2. Promote the orderly and efficient conduct of public proceedings convened to decide matters before the Board; and
 3. Facilitate the Board's administrative matters; and
 4. To comply with applicable federal, state, County, and City laws and regulations.
- C. **Scope.** These Rules of Procedure apply to the Board's conduct of hearing on:
1. Initiating, authorizing, and overseeing an ongoing historic survey and inventory of historically, culturally, aesthetically, archaeologically or architecturally significant resources within the City and to plan for the preservation of significant resources identified in the survey(s); and
 2. Recommending to the City Council specific buildings, structures, sites, signs, objects or districts to be listed on the Local Register of Historic Places; and

3. Developing, publishing, reviewing and periodically updating design guidelines; and
4. Recommending concepts or policies to the City Council and Community Redevelopment Agency that will assist in making historic preservation an integral and on-going part of the City's Land Development Code, and the City Comprehensive Plan, as required by the state of Florida; and
5. Reviewing applications for Certificates of Appropriateness and granting, denying, or suspending same; and
6. Reviewing and acting upon applications for moving permits for all buildings, structures, signs, or objects that have been designated as historically significant pursuant to this Historic Preservation Code; and
7. Conducting and attending educational programs on historic properties located inside and outside of the boundaries of the City, and on historic preservation in general; and
8. Making recommendations to the City Council concerning the availability and utilization of grants from federal and state agencies, private groups and individuals, as well as the utilization of City funds to promote, undertake and enhance the preservation of archaeologically, historically, culturally, architecturally and aesthetically significant historic sites and districts; and
9. Advising and assisting property owners and other persons, groups or organizations on the physical and financial aspects of historic preservation and the renovation, rehabilitation, and restoration of historic and cultural resources, and advising and assisting property owners in identifying available funding sources while providing support to them in their efforts to secure available grant funding as well as state and local tax incentives; and
10. Cooperating and advising local, state and federal governmental entities concerning the effects of local government actions on historic and cultural resources; and
11. Assisting, reviewing and making recommendations to the State Historic Preservation Office on local nominations to the National Register of Historic Places; and
12. Enforcing this Historic Preservation Code and taking appropriate action for noncompliance herewith; and
13. Approving, seeking funding for the production of, and issuing standard historic plaques or markers for designated historic properties, sites, and districts within the City; and
14. Advising and assisting the City Council on all matters related to the use, administration and maintenance of City owned historic properties; and

15. Promoting public awareness of historical, cultural, aesthetic, architectural and archaeological preservation and its community benefits; and
 16. Proposing and recommending to the City Council any amendments to this Historic Preservation Code that, in the opinion of the Board, would further the objectives of this Historic Preservation Code; and
 17. Maintaining responsibilities complementary to those of the State Historic Preservation Office through participation in municipal survey and planning activities; and
 18. Providing any other services and/or functions that may be designated by the City Council.
- D. **Adoption and amendments.** Consistent with LDC § 18.01.05.I., “No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations by the Board, and the same has been approved by the City Council and filed with the City Clerk so as to be available for public inspection. Amendments shall be adopted in a like manner. Upon approval by the City Council, such rules and regulations shall have the full force and effect of law within the City.”

CHAPTER II: HISTORIC PRESERVATION BOARD MEMBERSHIP

- A. **Member application.** Any person desiring to fill a vacancy on, and be appointed to, the Board shall apply to the City Manager’s Office by providing a written letter stating their qualifications as described in LDC § 18.01.04.D.
- B. **Officers.** Consistent with LDC § 18.01.04.F., the officers shall include a Chairman and Vice-Chairman.
- C. **Election of Officers.** Consistent with LDC § 18.01.04.F., the annual election of Board offices shall be held at the first regular meeting of each year and shall be the last item of business of such meeting. Officers shall be elected by majority vote of the members present. The order for the election of officers shall be the Chairman and then the Vice Chairman.
- D. **Chairman.** The duties of the Chairman are generally as follows:
 1. To serve as the presiding officer; and
 2. To open the session at the time at which the Board is to meet, by taking the chair, and calling the meeting to order; and
 3. To announce the business before the Board in the order in which it is to be acted upon; and
 4. To recognize members entitled to the floor; and

5. To state and to put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; and
 6. To protect the Board from evidently frivolous or dilatory motions by refusing to recognize them; and
 7. To assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if the Chairman deems it advisable; and
 8. To restrain the members when engaged in debate, within the rules of order; and
 9. To enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal of the Board by any two members) unless when it doubt the Chairman prefers to submit the question for the decision of the Board;
 10. To inform the Board, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; and
 11. To authenticate, by signature, when necessary, all the acts, orders, and proceedings of the Board declaring its will and it all things obeying its command.
- E. **Vice-Chairman.** The Vice-Chairman shall act in the capacity of the Chairman in the Chairman's absence or if the Chairman has a conflict of interest or is otherwise disqualified from acting as the presiding officer.
- F. **Pro Tempore Chairman.** If the Chairman and Vice Chairman are not able to preside over a meeting or hearing and a quorum is present, a Pro Tempore Chairman to serve only at that meeting shall be elected by a majority vote of the members present.
- G. **Absences.** Board members shall attend all regular and special meetings unless excused from attending the meeting. The Board may approve an excused absence for the following reasons:
1. A court order, subpoena, or business with a court which has the sole prerogative of setting the date of such business; and
 2. Conflict with other scheduled Board business or conflicting business previously authorized by the Board of City Council; and
 3. Death of a family member; and
 4. Illness of a Board member or hospitalization of the member's immediate family; and
 5. Unavoidable travel delays or cancellations; and

6. Other extraordinary circumstances.

A member seeking an excused absence should contact the Development Department preferably at least 12 hours before the Board hearing and specify the reason for the excused absence. At the conclusion of the roll call, if any member is absent, the Chair shall inquire from the Development Department Director or delegee whether any member requested an excused absence and the Director shall inform the Chair of his findings. A member who partially attends a meeting shall count as an absence unless approved by majority vote of the members present. Failure to attend a complete meeting shall count as an absence unless approved by unanimous vote of the members present.

H. **Member resignation.** A member may resign from the Board by notifying in writing the City Clerk and the Development Department Director or delegee.

CHAPTER III: HISTORIC PRESERVATION STAFF

- A. **Office.** The Board's office shall be situated within the Development Department, located at 5919 Main Street, New Port Richey, Florida. The Board records, including the local register of historic places, meeting minutes, copies of all applications, reports, correspondence, notices, resolutions, transactions, training materials, rules of procedure, etc. shall be maintained in the Development Department offices and shall be a public record.
- B. **Staff.** The Development Department shall serve as the Board staff and shall be responsible for preparing and distributing the meeting agenda and back-up materials, providing due public notice of Board meetings, preparing meeting minutes, and other administrative functions. The City Attorney shall serve as legal counsel to the Board in all matters.
- C. **Secretary.** The Development Department Director or delegee shall serve as the Board secretary and shall be responsible for recording, preparing a written summary of the meeting, and maintaining the approved and executed minutes. The minutes shall identify those members who were present, absent, or late; contain a brief synopsis of the meeting; identify the person making and seconding a motion and how each member voted on the motion; and a statement of conditions or recommendation made on any action. The minutes are no intended to be a verbatim record of the meeting and may include modifications for clarification purposes so long as the intent is not intentionally changed.

CHAPTER IV: HISTORIC PRESERVATION BOARD MEETINGS

- A. **Regular Meetings.** The Board shall hold its regular meeting on the first Monday of every month at 4:00 p.m. unless changed by majority vote of the members present. The Board, by majority vote of members present, also may set a different date or time for a particular regular meeting.

- B. **Special Meetings.** Special meetings, such as training sessions, may be called by the Board Secretary or by majority vote of the Board members present. A minimum 48-hour notice shall be provided to each member when a special meeting is being held.

- C. **Meeting Location.** Board meetings shall be held at the City Council Chambers located at 5919 Main Street, New Port Richey, Florida. The Chairman, Secretary or Board by majority vote may designate any place within the City for a regular or special meeting. In selecting a meeting location, due consideration shall be given to space requirements and travel distances for those who will attend the meeting.

- D. **Agenda and Order of Business.** The Board Secretary or delegee shall prepare a written agenda for all regular and special meetings. The order of business shall be substantially in the following format:
 - 1. Call to Order – Roll Call
 - 2. Pledge of Allegiance
 - 3. Approval of Minutes
 - 4. Vox Pop for Items Not Listed on the Agenda
 - 5. Quasi-judicial cases
 - 6. Non Quasi-judicial cases
 - 7. Informational Matters
 - 8. Election of Officers
 - 9. Adjournment

- E. **Agenda Requests.** Any agenda requests that a Board member desires to include on a meeting agenda shall be submitted to the Board Secretary no later than 15 days prior to the next scheduled meeting. This will allow time for inclusion on the agenda prior to submission for public notice. The Board Secretary, upon consultation with the City Attorney, shall place the agenda request on the Discussion Items portion of the agenda.

- F. **Rules of Debate.** The following rules generally shall apply:
 - 1. To the extent not provided by these Rules of Procedure and to the extent that the reference does not conflict with the spirit of the Rules, the Board shall refer to Robert’s Rule of Order, latest edition, for unresolved procedural questions.
 - 2. Board members desiring to speak shall address the Chairman and, upon recognition, speak to the question under debate, avoid personal remarks and indecorous language as determined by the presiding officer. There shall be no limit to the number of times a Board member may speak to the questions.

- G. **Voting Requirements.** An affirmative vote of the majority of the Board members present shall be required for approval of any requested action or motion placed before the Board unless otherwise expressed herein. A roll call vote shall be required unless the presiding officer determine that a voice vote is appropriate. All Board members present at a meeting shall vote on every motion placed on the floor unless there is a conflict of interest.

- H. **Recess.** At any time after convening a public hearing, the presiding officer has the authority to recess a hearing for up to 15 minutes for purposes of properly administering the hearing.
- I. **Postponement, continuance, and adjournment.** By majority vote of the members present and for good cause, a matter scheduled to be heard may be postponed or continued, or a meeting of the Board may be adjourned prior to completion of all business provided the City Attorney advises that the due process rights of an applicant, party, or affected person are not affected thereby and that consideration by the City Council will not be unduly delayed as a result of such postponement, continuance, or adjournment.
- J. **Notice of Decision.** The Board Secretary shall provide to the applicant and originator of an agenda request a written notice of the Board's decision.
- K. **Public participation.** The presiding officer shall ensure the public has a right to be heard but may limit to five minutes or less the public's right to speak. The presiding officer also may limit the presentation of repetitive testimony.

CHAPTER V: HISTORIC PRESERVATION BOARD CONDUCT

- A. **Public ethics policy.** To preserve public confidence in the fairness of the Board's deliberations, recommendations, and decisions, the Board shall ensure that the public and interested persons have the opportunity to know, and respond to, all information that the Board considers in making its recommendations or decisions. The Board also shall ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Board member. The Board may take administrative notice of facts in common knowledge and matters falling within any member's experience and expertise, as disclosed by that member, in reaching a recommendation or decision.
- B. **Conflicts of interest.** When declaring a conflict, the Board member shall do all of the following:
 - 1. Announce a conflict and state its general nature.
 - 2. If the City Attorney determines a conflict of interest exists, abstain from any discussion or vote relative to the matter that is the subject of the conflict.
 - 3. Remove himself or herself from the room in which the discussion takes place.
- C. **Outside communication.** The following shall apply.
 - 1. *Obligation to Avoid Improper Contacts.* When considering any matter decided under these Rules, the Board deals with Persons who are directly affected by its recommendations or decisions. Each of these interested Persons needs assurance that other interested Persons will not have an unfair advantage presenting their version of the relevant facts or concerns to the Board. To that

end, Board members should avoid communicating with Applicants or any other Person about a pending application except at the Board hearing when the application is considered. To minimize such contacts, the Board Secretary shall regularly publish a roster of pending Applications in appropriate detail to avoid a violation of this rule.

2. *Prohibitions.* Each Board member shall not communicate with any other Person, including other Board members, about the merits or facts of any pending application, except during the Board meeting when the application is being considered. Nothing in this section restricts any member from communicating with any Development Department staff or the City Attorney for the purposes of obtaining information or advice.
3. *Disclosure of Unsolicited Communications.* If a Board member receives unsolicited communications about a pending application outside of a Board meeting, the member must disclose and describe the communication at the earliest opportunity during the Board's consideration of the application and affirm that the member

D. **Financial disclosure.** Florida State law requires that appointed members of certain boards shall annually file a statement of financial interest form by July 1st of each year. These board members include boards having the power to enforce local code provisions. Land Development Code § 18.01.05.L.13 provides it is the responsibility of the Board to enforce the Historic Preservation Code and take appropriate action for noncompliance. Newly appointed members are required to file the financial disclosure form within 30-days of appointment. The financial disclosure form shall be filed with the Pasco County Supervisor of Elections and a copy of said executed and filed form shall be filed with the Board Secretary.