



OFFICE OF HISTORIC PRESERVATION

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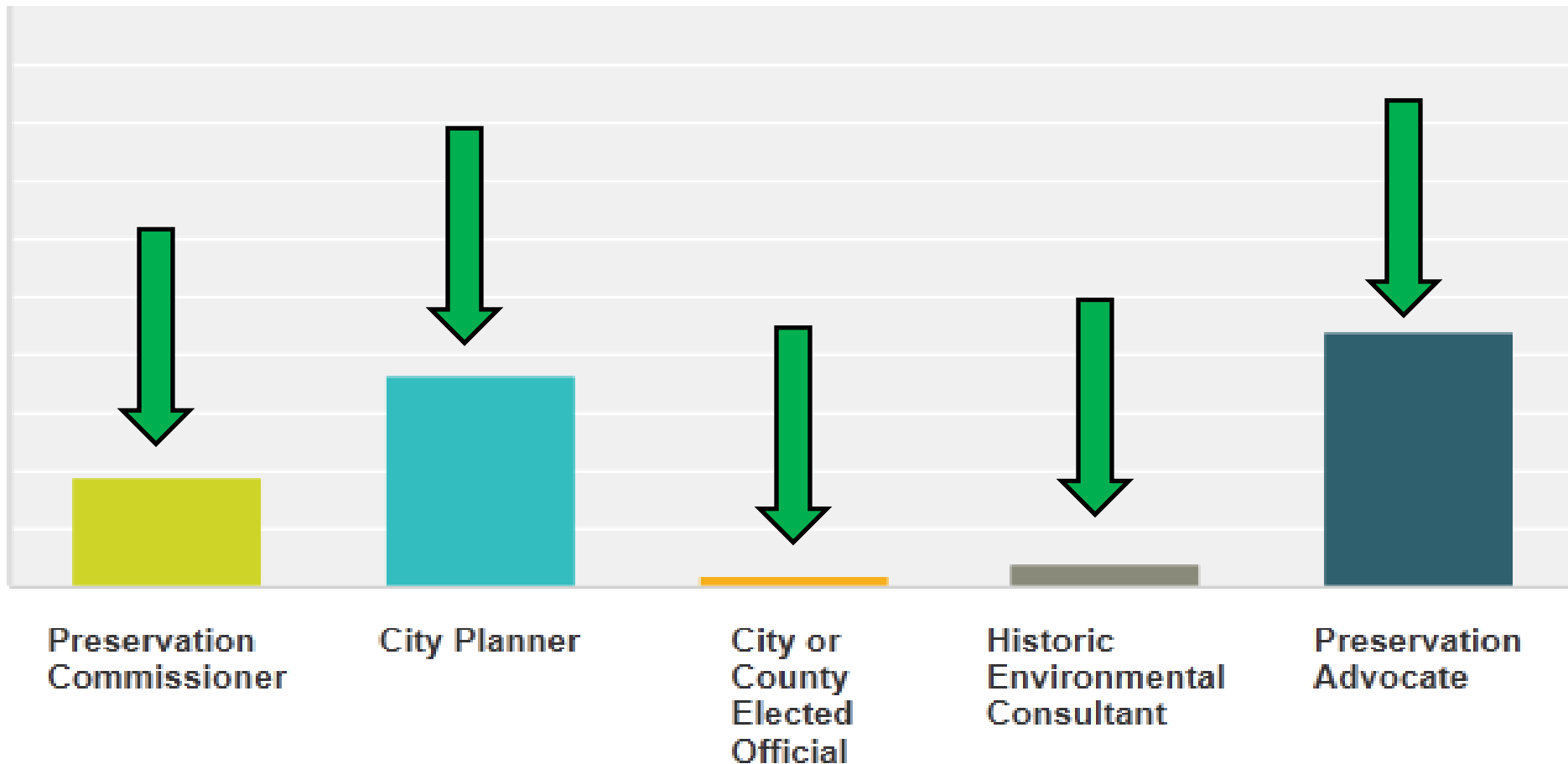
LOCAL GOVERNMENT PRESERVATION WORKSHOP SERIES



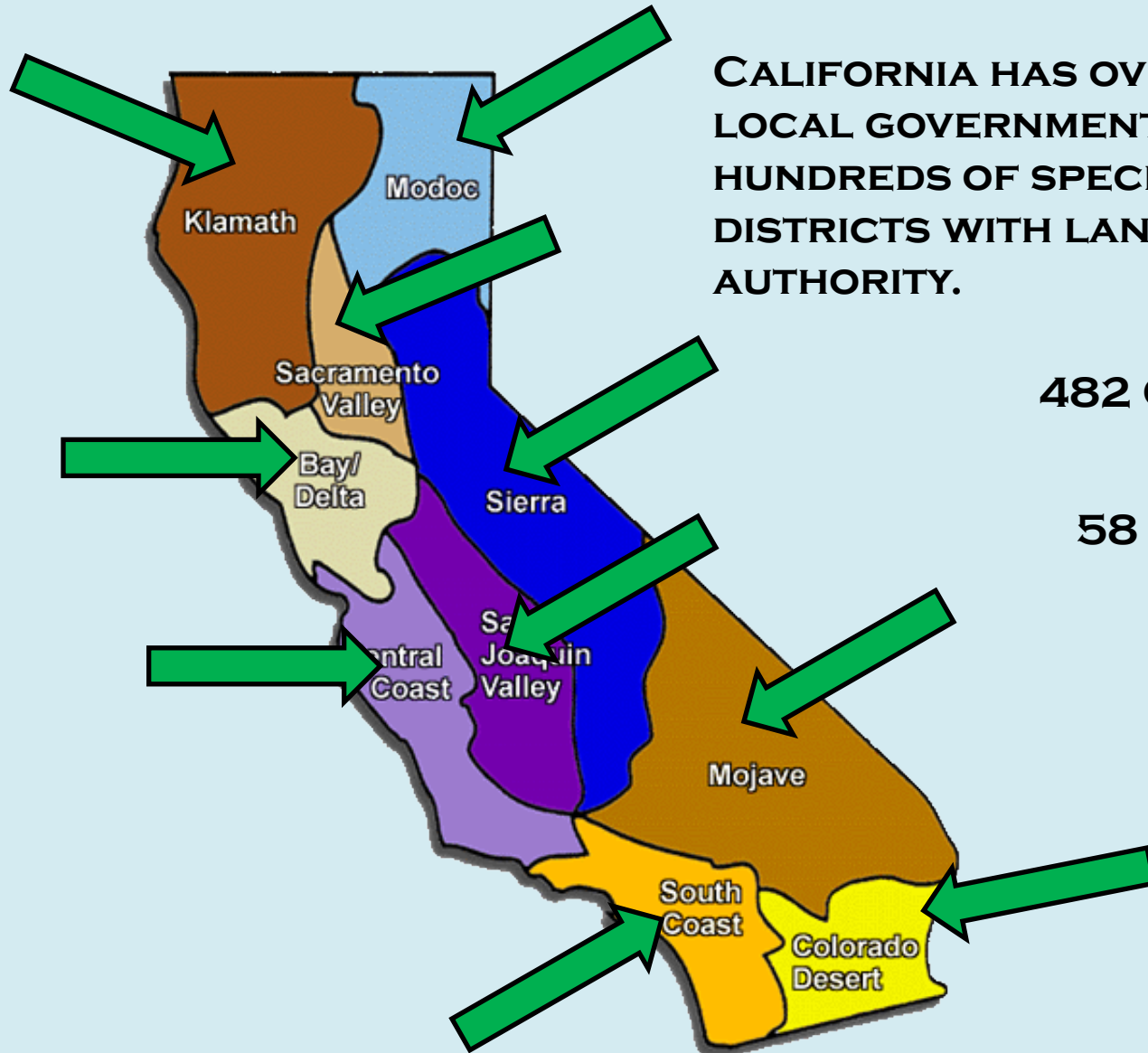
2015

2016

HOW WOULD YOU DESCRIBE YOUR INTEREST IN HISTORIC PRESERVATION?



WHERE ARE YOU FROM?



**CALIFORNIA HAS OVER 500
LOCAL GOVERNMENTS AND
HUNDREDS OF SPECIAL
DISTRICTS WITH LAND USE
AUTHORITY.**

482 CITIES

58 COUNTIES

SHARE A PRESERVATION ISSUE YOU ARE DEALING WITH IN YOUR COMMUNITY



Preservation Ethics and Meeting Procedures

- Part I: How to Conduct a Meeting
- Part II: Review of Ethics & Parliamentary Procedures
- Part III: Making a Legally Defensible Decision

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Types of Meetings

Public Meeting	Public Hearing
Public Outreach	Rules of Order
Provides Information	Based on Process
Open Discussion/Q&A	Supported by a Local Ordinance



Meeting Preparation

- Be familiar with the laws and rules under which you operate.
- Know the relevant federal, state, and local laws that apply to your decisions.
- Learn from others by attending training sessions, and other commission meetings.
- Review the staff report and agenda.



Understand the Brown Act

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. Cal. Govt. Code Section 54950



The Agenda

- Every production needs a script, and the commission meeting's script is the agenda

Things to consider including:

- Project Review Procedures
- Standards of Review



The Project Application

- Clear and concise
- Easy to access online application & technical guidance
- Hold pre-application meetings with applicant
- Only process once a complete application is provided
- Provide applicant an example of a successful preservation application for comparison



The Staff Report & Recommendation

- Include staff recommendation consistent with rules and regulations
- Base recommendation on existing laws and precedent



Setting of the Meeting

- Meeting space can enhance communication or become a barrier.
- Lighting, special arrangement, acoustics are important elements.



The Chair

The Chairperson's main jobs are:

- Facilitate communication
- Know the rules
- Remain impartial
- Seek contributions from all participants.





Opening a Meeting

- Begin on-time
- Project a sense of confidence
- Avoid jargon and acronyms
- Introduce key participants
- Summarize the process
- Explain to the audience how they can participate
- Cover your legal requirements

Reviewing a Proposal

- Courts find it difficult to evaluate actions where no reasons are given, and they will not tolerate findings and conclusions based on feeling or sentiment.
- In reaching decisions, always stay clearly within the area of responsibility described by your ordinance.



Concluding a Meeting

- Summarize actions taken, and inform participants of the next steps in the process and who is involved at the end of each agenda item.
- Thank all those who participated. End the meeting on a positive note in order to leave the audience with a favorable impression of the commission.



Part II: Commission Ethics and Procedure

- Ethics: Code of Conduct, purpose and goal of preservation commission and staff
- Meeting Procedures: Purpose and Function of Parliamentary Procedure



Preservation is about People

The most effective historic preservation takes place at the local level, and preservation commissioners and staff should remember it is their duty, as public servants, to advance the greater good of the community.



Responsibility to the Profession

Preservation commissioners need to strike a balance between their interest and commitment to preserve heritage resources and their role as a public official.

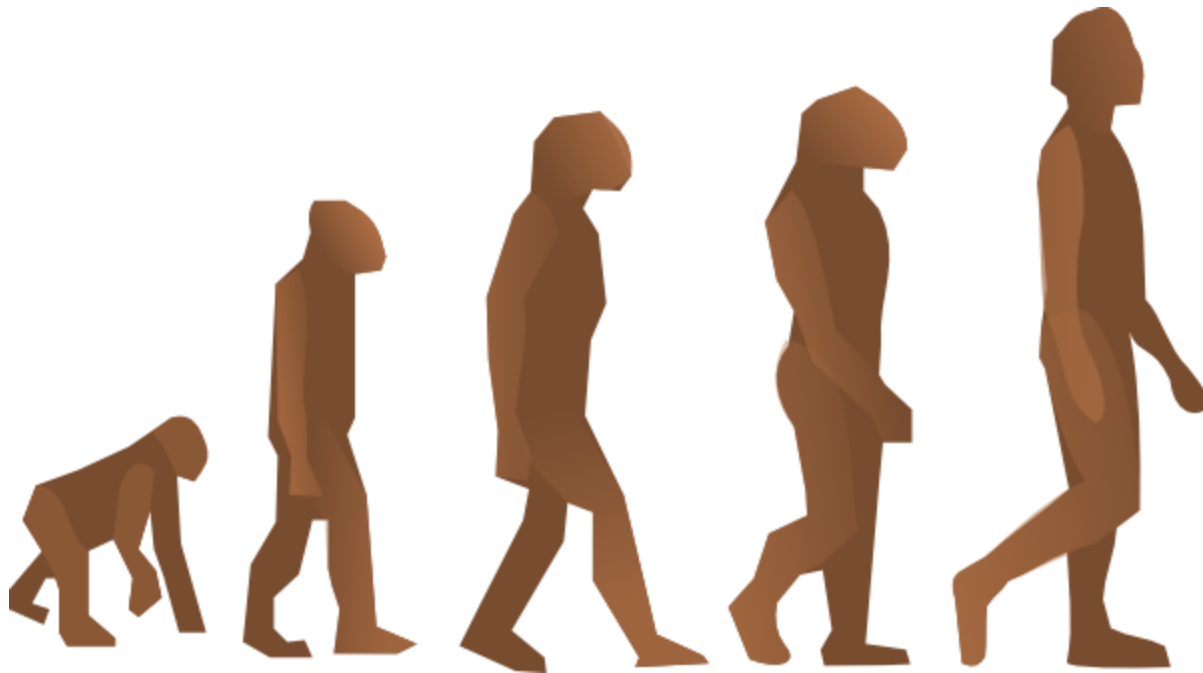


"Make sure everything is done ethically. Within reason, of course."



Respect all Points of View

A multi-disciplinary profession has evolved over the years from the historic preservation movement, and commissioners and staff have an obligation to advance the best interest of this profession in the context of their commission work.



Standards of Conduct

As public servants, commissioners and staff are expected to conduct themselves as professionals and in accordance with the law.



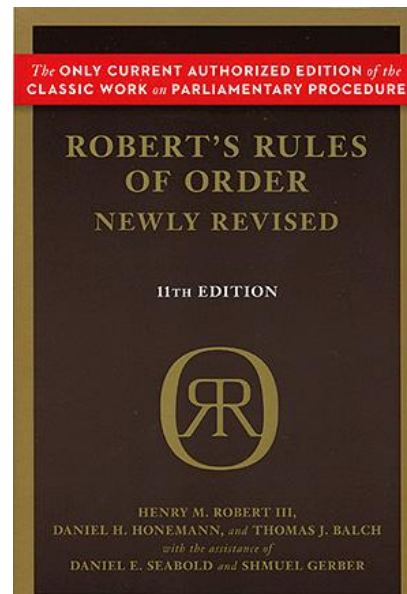
Commission Procedure

Consistent meeting procedure is important because it provides a means for conducting business at meetings and public gatherings.



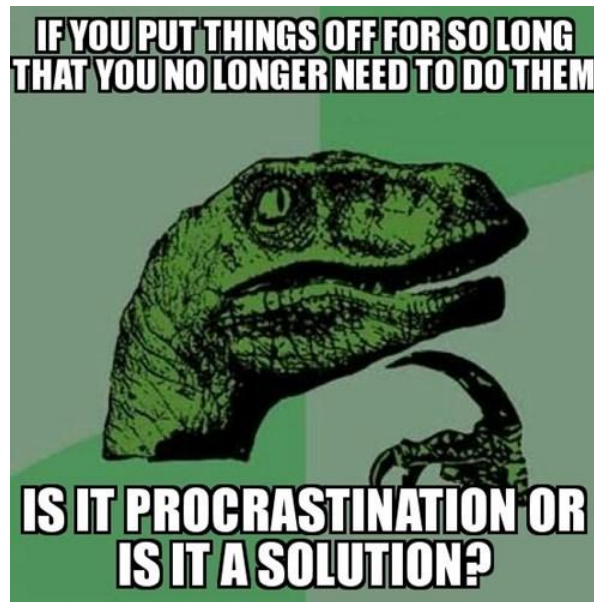
Robert's Rules of Order

Today, *Robert's Rules of Order* newly revised is the most common handbook of operation for most preservation commissions, but there are other sources of parliamentary procedure that may be adopted by commissions. For those using *Robert's Rules*, the following is a simplified guide to what they include.



Motions to Postpone

- Motion to table: A motion use in the attempt to “kill” a motion. This option is always present, however, to ‘take from the table’, for reconsideration by the members.
- Motion to postpone indefinitely: This motion is a parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken.



Example Motion

Mr. Chair, I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the property in question

And I find that if constructed in accordance with the plans submitted, the project will be compatible with the character of the historic district.

I move to approve the application No. 209-01 for 123 John Doe Street as submitted because the application does meet the following criteria:

1. The proposed change does meet section 4.6 Fences and Walls of our design guidelines
2. As the materials, height, scale and design of the new rear fence specifically meet the guidelines 4.6.5 and 4.6.7 and are in harmony with our design guidelines and the character of the overall district and adjoining properties.

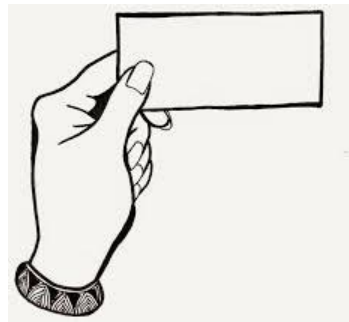
Motion stating he/she is proceeding from a position of knowledge.

Finding of Fact

Concise description of features that contribute to the decision and reference to the design guidelines and architectural character as a basis for the decision.

Voting Methods

- By Voice
- By Roll Call
- By General Consent
- By Division
- By Ballot



Making Parliamentary Procedure Work

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.



Part III: Making a Legally Defensible Decision



Clear and Comprehensible Rational

- Leaving out crucial details may make a decision hopelessly opaque to an individual not intimately familiar with the situation that was before the commission.
- Do not leave your applicant and his architect, or attorney wondering what happened.



Statement of Significance

The building should be put into a context which can be easily and convincingly explained, and appropriate visual materials should be included in the file for the application and the record of decision.



Existing Precedent

Assume that “the other side” will make every attempt to use your commission’s previous decisions against you.

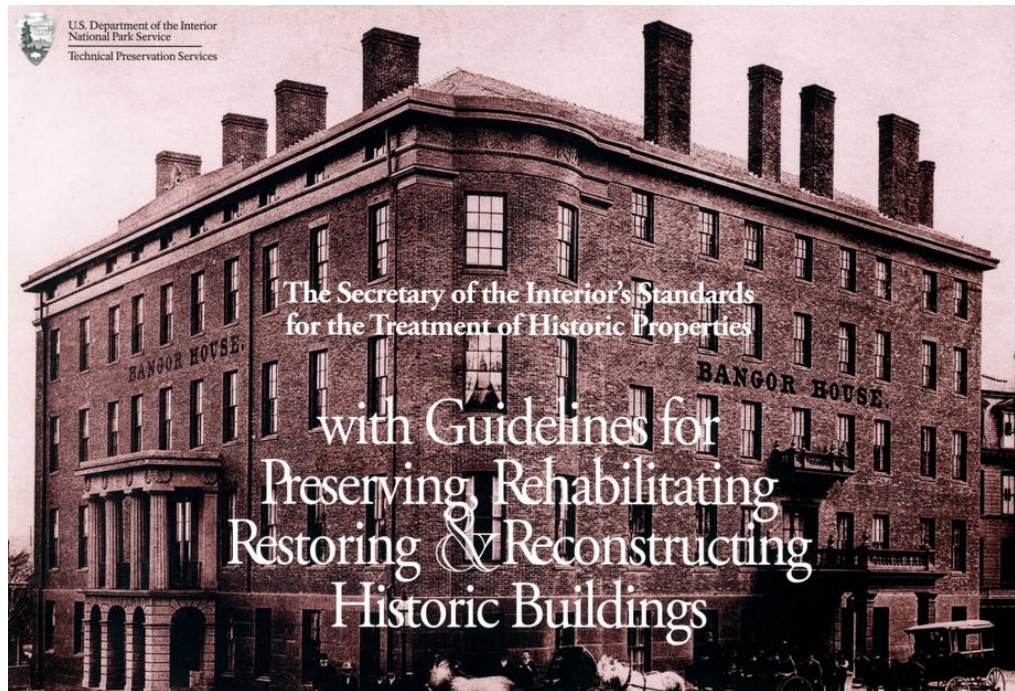


"As precedent your Honor I offer the entire legal history of western civilization on CD ROM."



Commissioner Skills

- Have at least one member who can propose a good resolution.
- Have at least one member with good working knowledge of the standards for review used by your commission.



Example: Indefensible Motion

Mr. Chair, the reuse of the building as a barbershop is unsuitable for the neighborhood because we do not need two barbershops on John Doe Street.

And I find that if the applicant is willing to use the building as a pilates studio the application may be acceptable to the County Historical Society.

I move that we do not approve application No. 209-01 for 123 John Doe Street as submitted; unless the applicant is willing to use the building as a pilates studio, AND restore the adjacent building, which I'm certain is also owned by Tear-down Development Company!

Motion is beyond the legal scope of the commission.

Ambiguous criteria.

Commissioner forgets they represent the whole community.

Not affirmative.

Beyond scope of application.

Motion does not use the ordinance to justify decision.

Example: Defensible Motion

Mr. Chair, I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the parcel located in the historically significant Railyard District, which is important to this community for its association with the 1890s Railroad industry.

I find that the plans submitted by the applicant does not comply with the provisions of the county's historic preservation ordinance.

I move the commission deny the application No. 209-01 for 123 John Doe Street because the application does not meet the following criteria:

1. The new construction does not comply with section 4.6: New Construction within historic districts
2. Specifically, the materials, height, scale and design of the new building does not comply with subsection 4.6.5 and 4.6.7 of the District's design guidelines, which preserve the historic district's industrial feeling, character, and association.

Motion stating he/she is proceeding from a position of knowledge.

Statement of Significance

Finding of Fact

Concise description of features that contribute to the decision and reference to the design guidelines and architectural character as a basis for the decision.

Questions?

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