

BYLAWS AND RULES OF PROCEDURE HISTORIC PRESERVATION COMMISSION MONTEVALLO, ALABAMA

ARTICLE I - Objective

The objective and purpose of the Historic Preservation Commission of the City of Montevallo, Alabama are those set forth in Title II, Section 11-68-13 through Section 11-68-15 of the Code of Alabama amendments and supplements thereto and those powers and duties delegated to the Montevallo Historic Preservation Commission by Montevallo City Ordinance 07D.

ARTICLE II - Officers

Section 1 - The Commission shall consist of **seven** appointed in accordance with Section 11-68-3 of the Code of Alabama. The officers of the Historic Preservation Commission shall consist of a Chairperson, Vice-Chairperson, and a Secretary.

Section 2 - The Chairperson 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 Chairperson may succeed himself/herself.

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

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

Section 5 - The Secretary shall keep the minutes and records of the Commission and perform such other duties as are normally carried out by a secretary.

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 Tuesday 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 – Resignations, Termination and Absences

Section 1 – Resignation from the Commission must be in writing and received by the Chairperson or Secretary.

Section 2 - Commission members shall be terminated due to excessive absences. Excessive absence shall be defined as three consecutive absences or five total meeting absences within one year.

Section 3 – A Commission member may be removed for other reasons by a two-thirds vote of the elected officers.

Section 4 - Members may be removed by the City Council for neglect of duty or malfeasance in office. (This statement is being moved from Article IV Meetings)

ARTICLE V – Meetings

Section 1 - Regular meetings will be held on the 1st 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 - Extra meetings may be called by the Chairperson as the need arises. All members of the Commission shall be notified of such meeting no less than 48 hours in advance.

ARTICLE VI – 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 staff person assigned by the Mayor no later than 15 working 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 Chairperson shall: prepare an agenda of items to be brought before the Historic Preservation Commission; provide a complete copy of the agenda including comments from any of the agencies or individuals above, and an evaluation of each item.

ARTICLE VII – 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 Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Chairperson shall fill vacancies on committees as they are created.

ARTICLE VIII – 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 posted at least 7 days before the hearing. In the case of hearings involving specific property, signs will be placed on the property, giving notice of the hearing.

Section 3 - The case before the commission shall be presented in summary by the Commission support staff, and the petitioner.

Section 4 - A member of the Commission shall disqualify himself/herself from voting on any application or petitioner 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 Chairperson 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 Chairperson 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 Chairperson 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 shall be grounds for a recommendation to City Council for removal from office.

ARTICLE IX - 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 meeting by unanimous vote of the Commission.

Section 2 - These bylaws shall be reviewed annually.

**Bylaws certified by Montevallo Historic Preservation
Commission Officers:**

Dated: April 2, 2019

Officers:

Bill Glesson

Chairperson

Joseph Jones

Vice-Chair

Melinda B. Neff

Secretary