



**RESOLUTION ADOPTING BYLAWS AND RULES FOR THE
TRANSACTION OF BUSINESS OF THE CITY OF TUSCALOOSA
HISTORIC PRESERVATION COMMISSION**

WHEREAS, Ala. Code §11-68-3 (f), 1975 and the Code of Tuscaloosa, Alabama § 20-15.27(b) provides that Historic Preservation Commissions and The Tuscaloosa Historic Preservation Commission shall adopt bylaws and rules for transaction of business, and

WHEREAS, the City of Tuscaloosa Historic Preservation Commission desires to adopt the following bylaws and rules of procedure of the Tuscaloosa Historic Preservation Commission as required by Ala. Code § 11-68-3(f) (1975) and the Code of Tuscaloosa, Alabama § 20-15.27 (b).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF
TUSCALOOSA HISTORIC PRESERVATION COMMISSION:**

That the following Bylaws and Rules for Transaction of Business be, and they are hereby, adopted:

BYLAWS AND RULES FOR TRANSACTION OF BUSINESS
OF THE
THE CITY OF TUSCALOOSA HISTORIC PRESERVATION COMMISSION

Amended and Adopted, 2015

**BYLAWS AND RULES FOR THE TRANSACTION OF BUSINESS
OF THE CITY OF TUSCALOOSA HISTORIC PRESERVATION
COMMISSION**

1. POWERS, DUTIES, AND COMPOSITION

A. The powers, duties, and composition of the Tuscaloosa Historic Preservation Commission (the “Commission”) shall be as specified in Ala. Code, Section § 11-68-1 ET. Seq. (1975), as amplified by City of Tuscaloosa Ordinance Number 6590 as it may be amended from time to time.

B. The Commission shall initially consist of nine members nominated by the Mayor and appointed by the City Council. Members of the Commission shall serve three year staggered terms.

Position One	Term Expires May 11, 2010
Position Two	Term Expires May 11, 2010
Position Three	Term Expires May 11, 2010
Position Four	Term Expires May 11, 2010
Position Five	Term Expires May 11, 2010

Position Six	Term Expires May 11, 2011
Position Seven	Term Expires May 11, 2011
Position Eight	Term Expires May 11, 2012
Position Nine	Term Expires May 11, 2012

C. Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to historic designations, Certificates of Appropriateness and other matters within the authority of the Commission as time and circumstances permit. Members shall familiarize themselves with agenda items, which may include site visits, prior to the Commission's deliberations on such items.

2. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON POWERS AND DUTIES

The Board, by majority vote, shall elect a Chairperson and Vice-Chairperson for a term of one year. The election shall be held each year in the month of December of each year, with the newly elected Chairperson and Vice-Chairperson taking office in January. The Chairperson and Vice-Chairperson shall be eligible for re-election to serve additional consecutive terms. The Chairperson may appoint such committees as may be necessary to investigate and to report on matters to the Commission. The Chairperson shall decide all points of order and procedural matters coming before the Commission subject to the requirements of the governing ordinance and these bylaws. The Vice-Chairperson shall serve in the place of the Chairperson in case of his/her absence from any meeting of the Commission and shall have the same powers and duties of the Chairperson while acting in that capacity. In the event that neither the Chairperson nor Vice-Chairperson is present, an Acting Chairperson shall be elected from among the members present by majority vote.

3. MEETINGS

A. The regular meeting of the Commission shall be held on the second Wednesday of each month at 5:00 p.m. in the Council Chambers on the second floor of the main City Hall or depending upon circumstances, at some other room in City Hall as identified in the Notice of Meeting of the Commission. Provided; however, the meeting date may be postponed by the Chairperson if a quorum will not be present on the second Wednesday, and further provided that no regular meeting shall be held in any month in which no business is scheduled to be conducted.

B. If the volume of petitions or other circumstances dictate, the Chairperson may call such additional meetings as may be warranted and necessary.

C. The regular meeting of the Commission is normally preceded by a pre-meeting session at 4:30 p.m. in a designated conference room at City Hall to review the agenda for the regular meeting and to discuss any matters that may come before the Commission.

D. All regular and specially set meetings and all pre-meetings shall be open to the public in accordance with the applicable provisions of the "Alabama Open Meetings Law" and the date, place and agenda shall be publicized in accordance with such Law and the practices of the City of Tuscaloosa.

E. In an open meeting, any Commission member desiring to speak shall be recognized by the Chairperson and shall confine his/her remarks to the subject under consideration or to be considered. The Chairperson shall preserve order and decorum, and prevent attacks on personalities or the impugning of member's motives.

Any person wishing to speak on behalf of another person, group or entity shall provide written authorization to the chairperson from the person, group or entity being represented. Immediate family members (defined for this purpose as spouse, parent, or child) do not have to provide such

written authorization when speaking on behalf of another immediate family member.

4. QUORUM AND REGULAR ORDER OF BUSINESS

A. Five members of the Commission shall be a quorum to conduct a meeting, and the concurring votes of five members shall be necessary to approve any petition or to reverse any finding or determination of the Commission. When the vote is called, each Commission member shall respond “Yes”, “No” or “Abstain”.

B. The Chairperson shall state all questions and or conditions submitted for a vote and announce the results. In taking the vote, the Chairperson shall call on each member by name for that member’s vote. The votes shall be read by Commissioner’s name and recorded; provided, however, that if the vote of all Commission members present be unanimous it may be entered in the minutes without the recording of yeas and nays.

C. Business will generally be conducted in accordance with Robert’s Rules of Order, as modified by the customary practice and procedures of the Commission and except where such rules may contradict State Law, the governing ordinance, as amended and these bylaws.

D. A member of the City of Tuscaloosa Historic Preservation Commission staff shall serve as Secretary to the Commission. The Secretary shall not be eligible to vote upon any matter. The Secretary shall keep the minutes and attendance records of regular and special Commission meetings. Commission meetings will be recorded to allow for more accurate taking of the minutes. Minutes shall reflect the decisions and actions of the Commission, including the reasons for making these decisions and shall kept on file and available for public inspection.

E. The regular order of business shall generally be i) roll call; ii) discussion and adoption of minutes; iii) unfinished business; iv) new business; v) committee and staff reports; vi) adjournment.

5. COMMUNICATIONS OUTSIDE COMMISSION MEETINGS

Commission members shall refrain from and in any manner, discuss any application with any parties or their representatives prior to the Commission's deliberations on such application where such contact may compromise or pre-dispose the member to vote in a certain manner; provided, however, that members may seek and/or receive factual information pertaining to the application from any other member of the Commission or Commission staff prior to the hearing. Members of the Commission shall not express individual opinions on the proposed findings or decisions related to any application to any person prior to the determination of that application, except in accordance with these rules. Willful violations of these rules shall constitute grounds to be removed by cause by the City Council pursuant to the Code of Tuscaloosa, Alabama § 20-15. 27(b).

6. CONFLICT OF INTEREST

A. A member of the Commission shall withdraw from all participation, including all informal and formal discussion and voting, on any application or petition about which he or she has any knowledge of the following conditions: i) the member, spouse of the member, or any immediate family of the member holds a financial interest, either as agent or owner, in the property in question; ii) 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; iii) 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.

B. 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.

C. In the event that a member fails to disqualify himself from voting on any application or petition when such disqualification is required by 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.

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

E. Willful violations of these rules shall constitute grounds to be removed by cause by the City Council pursuant to the Code of Tuscaloosa, Alabama § 20-15. 27(b) and subject to such penalties as may be imposed by the State of Alabama Ethics Commission and by criminal prosecution.

7. ANNUAL TRAINING AND MEETING ATTENDANCE

A. Each Commission member must attend at least one training or education meeting per calendar year. Such training or education meeting must meet the standards or criteria established by the Alabama Historic Preservation Commission. Failure to attend such training or education

meeting shall be grounds for a recommendation to City Council for removal from office.

B. It shall constitute cause for removal if a member is absent from three (3) regular meetings of the Commission in a calendar year; such member may be removed from office.

8. FORMS REQUIRED

Every appeal or petition shall be submitted on the form provided for that purpose, and shall include the data required in said form, so as to supply all the information necessary for a clear understanding and informed decision by the Commission.

9. DOCKET

Each case filed in the proper form with the required data shall be numbered serially, and shall be placed on the docket of the Commission. The docket numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year. Cases shall come before the Commission in regular order as docketed, unless the Chairman, for appropriate reasons, allows a case to be heard out of order.

10. RULINGS BY THE COMMISSION

A. Generally. The Commission shall act on an application for a Certificate of Appropriateness within sixty (60) days after the filing of a completed application by the owner or occupant of a historic property, or of a historic structure, site, object or work of art located within a historic district.

The Commission may deny any application in whole, or in part, or may approve an application subject to stated conditions.

Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.

- A. Denial of an Application.** In the event the Commission rejects an application, in whole or in part, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant and the chief building official of the city. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

- B. Failure to Rule.** Failure of the Commission to act within said sixty (60) days after the filing of a completed application, absent a continuance as otherwise provided herein, shall constitute approval and no other evidence of approval shall be needed.
- C. Continuances.** The Commission, with the consent of the property owner, may table an application until the next scheduled meeting. The property owner must consent each time an application is tabled. A property owner can consent to a successive tabling of the application in person at the

Commission meeting, or in writing seven (7) days prior to the scheduled meeting. No application shall be tabled more than twice.

11. TIME WITHIN WHICH RECONSIDERATION BARRED

No case which has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of six (6) months from the date of the decision previously rendered except with the consent of a majority of the Commission. However, if the Applicant so desires, her or she may make modifications to the plans which effectively address the reasons stated by the Commission for rejection of the application and resubmit the application at any time.

12. APPEALS

Any person having a request for a Certificate of Appropriateness denied by the Commission may appeal such denial to the Circuit Court of Tuscaloosa County within fifteen (15) days from the date of denial by the Commission.

13. AUTHORITY OF THE OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT AND THE OFFICE OF THE CITY ATTORNEY STAFF TO PREPARE DOCUMENTS AND LETTERS FOR THE COMMISSION

City Staff, who are assigned to assist the Commission in the performance of their duties, are permitted, authorized and directed by the Commission to prepare, draft and distribute notices, correspondence, letters, approvals, denials and such other documents as requested and directed by the Commission. The dissemination of any such notice,

correspondence or other document prepared by Staff, consistent with the direction of the Commission, shall be deemed promulgated by the Commission. A representative of the City Attorney's Office is statutorily authorized to represent, advise and defend the Commission pursuant to Ala. Code § 11-44B-11(f) (1975).

14. AMENDMENTS

The bylaws and rules for the transaction of business of the Tuscaloosa Historic Preservation Commission may be amended from time to time in whole or in part by a majority vote of the Commission.

ADOPTED, this the 13th day of May, 2015

THE CITY OF TUSCALOOSA HISTORIC PRESERVATION
COMMISSION

, Chairperson

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