

2023-53

A RESOLUTION

AMENDING POLICIES AND PROCEDURES FOR THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Title 17, Article 11.2.5.J of the Lakewood Municipal Code permits the Historic Preservation Commission to draft and recommend for adoption by the City Council any amendment to operating policies and other rules of procedure;

WHEREAS, the Historic Preservation Commission has drafted amendments to its operating policies and rules of procedure ("Policies and Procedures");

WHEREAS, amending its Policies and Procedures will help maintain Certified Local Government (CLG) status for said Commission, and is consistent with the Comprehensive Plan, the Historic Preservation Plan, and the Zoning Ordinance;

WHEREAS, the Historical Preservation Commission conducted a public hearing on July 18, 2023, and voted to recommend that City Council adopt these amended Policies and Procedures;

WHEREAS, on September 25, 2023, the City Council reviewed the proposed amendment to the Policies and Procedures as presented by the Historic Preservation Commission in accordance with the Lakewood Municipal Code and the standard procedures of that body; and

WHEREAS, the City Council hereby finds and determines that amending the Policies and Procedures as presented by the Historic Preservation Commission is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The amended Policies and Procedures for the Historic Preservation Commission, as presented to the City Council and dated September 25, 2023, are hereby approved.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, their signatures on this Resolution and the amended Policies and Procedures as evidence of the approval and adoption of the same on behalf of the City Council.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ, AND ADOPTED by a vote of 9 for and 0 against at a regular hybrid meeting of the Lakewood City Council on September 25, 2023, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.



Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney

CITY OF LAKEWOOD
POLICIES AND PROCEDURES GOVERNING
THE HISTORIC PRESERVATION COMMISSION

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CITY OF LAKEWOOD
POLICIES AND PROCEDURES
GOVERNING
THE HISTORIC PRESERVATION COMMISSION

ARTICLE 1

GENERAL PROVISIONS

Section 1.1 Applicable Law

The Historic Preservation Commission (“the Commission”) shall be governed by the City of Lakewood (“City”) home rule charter, the Lakewood Municipal Code, City ordinances, applicable State Law, and these Policies and Procedures, (collectively referred to hereinafter as “Applicable Law”).

Section 1.2 Powers of the Commission

The powers of the Commission are those set forth in the Lakewood Municipal Code (“LMC”) Title 17, Article 11 (the “Historic Preservation Ordinance”), and generally consist of the power to designate, preserve, protect, enhance, and perpetuate those structures, sites and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, political, architectural, historic, or other heritage.

Section 1.3 General Duties

Upon taking office, all members of the Commission (hereinafter, each a “Commissioner”) shall familiarize themselves with Applicable Law and all information provided pertaining to applications presented for review to the Commission, and while in office, shall maintain such knowledge and keep themselves apprised of all amendments and additions to any of the foregoing. Commissioners shall make a good faith effort to attend every Commission meeting.

ARTICLE 2

MEMBERSHIP AND OFFICERS

Section 2.1 Appointment and Membership

In accordance with the LMC, the Commission shall consist of seven voting members. At least two of the Commissioners shall be residents of the City of Lakewood.

Section 2.2 Advising Candidates During the Selection Process

The Commission encourages the City Council Screening Committee to advise candidates applying for appointment to the Commission of the estimated time commitment required for service on the Commission, including regular attendance at meetings, review of staff reports and other materials, and of the need for Commissioners to be familiar with these Policies and Procedures. The Commission further encourages the City Council Screening Committee to ask each candidate during their interview to agree to meet these obligations if appointed. Each candidate shall receive a copy of these Policies and Procedures upon receipt of their appointment or upon their adoption.

Section 2.3 Officers

At the first regular meeting of any calendar year or at a date determined by the Commission, the Commission shall elect a Chair and a Vice-Chair. The term of each officer shall be one year. Notwithstanding the foregoing, Commissioners' appointed terms shall not be modified by this section.

- a. The Chair shall preside over all Commission meetings and decide points of order when appropriate.
- b. The Vice-Chair shall preside over Commission meetings when the Chair is not present. In case of vacancy in the office of Chair, the Vice-Chair shall succeed the Chair and serve the unexpired term as Chair. A new Vice-Chair shall be selected at the next regular session of the Commission.
- c. The Chair or, in the Chair's absence, the Vice-Chair, shall conduct the hearing in accordance with local ordinances and these Policies and Procedures. The officers are voting members and are accorded the same rights and privileges accorded other Commissioners.

Section 2.4 Secretary

Pursuant to the Historic Preservation Ordinance, the City will designate a City staff member as "Secretary to the ... Commission" (the Secretary). The Secretary shall perform the duties assigned to them within such Article 11, shall attend all Commission meetings and hearings, shall take and prepare minutes of such meetings, showing the vote of each Commissioner upon every question, and shall administer oaths to those who testify during public hearings. The Secretary shall be the custodian of the Commission's records and shall conduct official correspondence, send out all notices, compile records, and maintain the Commission's files.

Section 2.5 Ad Hoc Committees

Ad hoc committees may be formed by a majority vote of the Commission to carry out the powers and duties of the Commission as set forth in LMC Title 17, Article 11. Any ad hoc

committee established pursuant to these Policies and Procedures is of a temporary nature and is intended to address a specific project.

- a. Ad hoc committees shall have at least two members.
- b. Ad hoc committees shall only meet during Regular or Special Meetings scheduled pursuant to Article 3.
- c. Once an assigned project has been completed, the ad hoc committee automatically dissolves unless the Commission assigns additional projects to the committee.

Section 2.6 Terms of Office

The term of each Commissioner shall be as specified in section 17.11.2.3 of the LMC.

Section 2.7 Compensation

Each Commissioner will be reimbursed for actual expenses incurred in the exercise of Commission duties. Such expenses shall be documented to the Secretary.

Section 2.8 Removals for Cause

Upon presentation of written charges and after a hearing thereon, any Commissioner may be removed for cause by the City Council, as set forth in City Council Resolution 2008-40. Failure to attend regular meetings on a consistent basis may be considered a cause for removal.

Section 2.9 Vacancies

A vacancy shall exist when any Commissioner dies, resigns, is removed for cause, is not reappointed, or becomes an elected official or an employee of the City. The City Council shall appoint a Commissioner to fill the unexpired term of the Commissioner whose place has become vacant.

ARTICLE 3

MEETINGS AND HEARINGS

Section 3.1 Regular Meetings

Regular meetings of the Commission shall be held at 6:30 p.m. on the third Tuesday of alternating months at the Lakewood Civic Center, except as otherwise designated by the Commission. The Commission shall not meet more often than once in a given week. The Commission shall meet only for the purposes set forth in these Policies and Procedures, but shall not meet for the sole purpose of electing officers.

Section 3.2 Special Meetings

Special meetings may be called by the Chair and at least two Commissioners, or at the request of a majority of Commissioners. No special meeting shall be called with less than 48 hours' notice to all Commissioners, either by personal service or by leaving the notice at the Commissioner's place of residence as set forth in the City's records. Special meetings are open to the public and shall be held at 6:30 p.m., on a Tuesday, unless otherwise agreed to by a majority of the Commissioners, subject to staff and facility availability.

Section 3.3 Study Sessions

Study sessions are informal meetings during which general historic preservation topics are discussed which contribute to the continuing education and training of Commissioners. Study sessions are open to the public and may be held at 6:30 p.m. on the third Tuesday of the month at the Lakewood Civic Center, except as otherwise designated by the Commission.

Section 3.4 Continued Hearings

Any public hearing may be continued to a date certain, and such continuance shall not require additional public notice.

Section 3.5 Meeting Cancellation

If no business is scheduled before the Commission, the City may cancel a meeting after consulting with the Chair and by giving notice to all Commissioners at least two hours before the time set for the hearing.

Section 3.6 Quorum

A quorum of the Commission shall consist of four Commissioners. An affirmative vote of a majority of the Commissioners present is required to approve any matter before the Commission. In the event a quorum is not present at a Commission meeting, the Chair, or any Commissioner if no officers are present, shall declare a lack of a quorum and adjourn the meeting, and all matters on the agenda matter shall be rescheduled.

Section 3.7 Order of Business at Meetings

Unless changed by a majority vote of all Commissioners present, the order of business at a meeting shall be as follows:

- a. Call to Order
- b. Roll Call of Commissioners
- c. Approval of Minutes
- d. Public Hearing Applications
- e. Other Business
- f. Adjournment

Section 3.8 Public Hearings

- a. The Commission shall hold a public hearing on all applications as required by Title 17, Article 11, of the LMC.
- b. At each meeting prior to the public hearing, the Chair shall explain to those present the order of business at a public hearing. The Chair shall also inform them as to the requirements of the law and what must be proven for the application to be approved.
- c. Those who testify at any public hearing shall be sworn in by the Secretary. Prior to any individual giving testimony, the Chair shall instruct the Secretary to administer the oath.
- d. The order of business for each application at a public hearing shall be as follows:
 1. The Chair announces the application;
 2. The applicant presents the application;
 3. City staff presents the staff report;
 4. Persons wishing to comment upon the application may speak;
 5. The Commission may question the applicant, interested persons, and staff;
 6. The Chair closes the public hearing and invites Commissioner discussion of the application;
 7. The Commission makes findings and votes to approve, approve with modifications, or deny the application using the form of a resolution; and
 8. The Chair states the outcome of the vote.
- e. Any materials presented to the Commission during the public hearing must be identified and entered into the record as an exhibit.

Section 3.9 Meeting Minutes

The Commission shall keep minutes of its regular and special meetings and records of its examinations and all official actions, all of which shall be filed in the offices of the City once approved, and shall be public record.

Section 3.10 Motions

After a motion is moved and seconded, the Chair shall restate the motion and ask for discussion from the Commissioners. After all Commissioners have had an opportunity to speak, the Chair shall instruct the Secretary to conduct a roll call vote. No Commissioner may abstain from voting unless recused due to a conflict of interest.

ARTICLE 4

COMMISSIONER CONDUCT

Section 4.1 Right of Floor

No person shall speak unless recognized by the Chair in accordance with Robert's Rules of Order.

Section 4.2 Conflict of Interest

No Commissioner shall participate in any application before the Commission in which they have a financial interest or will be directly affected by the decision. Commissioners may voluntarily recuse themselves because of a conflict of interest, following disclosure on the record of the nature of the conflict. Upon being recused from a matter pending before the Commission set for quasi-judicial hearing, the Commissioner shall remove themselves from the official seating of the Commission to avoid any perception of seeking to influence other Commissioners but need not remove themselves from the room.

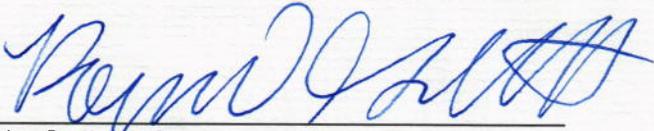
Section 4.3 Commissioners May Not Appear Before the Commission

No Commissioner may appear before the Commission as an applicant, proponent, opponent, interested party, witness, or representative in any matter upon which the Commission is to make a decision or recommendation.

Section 4.4 Decorum and Order

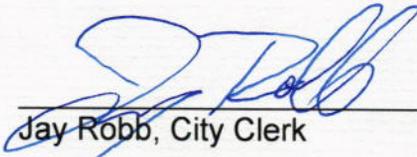
The Chair shall preserve decorum and decide all questions of order before the Commission. All meetings of the Commission shall be in accordance with Robert's Rules of Order.

Recommended for approval this 18th day of July, 2023.



Poppie Gullett, Chair
Historic Preservation Commission

Approved by City Council this 25th day of September, 2023.



Jay Robb, City Clerk



Adam Paul, Mayor