

BY-LAWS
DEER LODGE HISTORIC PRESERVATION COMMISSION

ARTICLE I - CREATION

The Deer Lodge Historic Preservation Commission was created by the adoption of Resolution No. 979, adopted by the City Council of the City of Deer Lodge Montana and approved by the Mayor on February 5, 2001.

ARTICLE II - PURPOSE AND INTENT

The purpose is to establish a local historic preservation program to promote the preservation of historic and prehistoric sites, structures, objects, buildings and districts through the identification, evaluation and protection of historic and pre-historic resources. The Commission shall serve in an advisory capacity to the City of Deer Lodge, the City/County Planning Board and other pertinent bodies or organizations. The Commission will have the powers and duties as directed in the City of Deer Lodge's Resolution No. 979.

ARTICLE III - APPOINTMENTS AND TERMS

The Commission shall consist of a minimum of five (5) members. The Mayor, with approval of the City Council, will make all appointments to the Commission. Terms of office will be three (3) years, until the member vacates the Commission by sending a written letter of resignation or attending a regularly scheduled meeting and voicing his resignation, or until the member is not in compliance with Article V of these By-Laws. The term of office will be for three (3) years, and the terms will be staggered. If a vacancy results in less than the minimum five (5) members, the vacancy shall be filled within sixty (60) days.

ARTICLE IV - OFFICERS AND DUTIES

The Commission shall have three elected officers: Chairperson, Vice-Chair and Secretary. The Historic Preservation Officer of the City of Deer Lodge may serve as a member, but may only vote in case of a tie.

- A. The appointment of the Chairperson and the Secretary shall be made at the first meeting of the year by the consensus of the Commission. The Chairperson and Secretary must be members of the Commission. The Chairperson and Secretary shall serve terms of one year.
- B. In the event of a vacancy, the Commission shall appoint another officer to finish the unexpired term.
- C. The Chairperson shall preside at all meetings of the Commission. If the Chairperson is unavailable, the Vice-Chair will preside over the meeting. The

Chairperson shall prepare and agenda and post it at City Hall two (2) days before the meeting. The Chairperson shall sign all documents involving the authority of the Commission.

- D. The Secretary shall keep minutes of all meetings and materials allied with the Commission. The Commission has the responsibility of approving such minutes. The Secretary shall maintain a file of all studies plans, reports, recommendations and official records of the Commission and perform such other duties as the Commission may determine.

ARTICLE V - ABSENCES AND REMOVAL

Each member shall inform the Preservation Officer, or the Chairperson, at least one (1) day before the meeting of their inability to attend a Commission meeting. Such an absence shall be considered an excused absence. If any member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given by normal practices, the Preservation Officer or Chairperson will call such absences to the attention of the committee which may then recommend to the Mayor that such member be asked to resign, and if appropriate, to appoint another person to the Commission.

ARTICLE VI - MEETINGS AND QUORUM

The Commission shall hold a minimum of one (1) regularly scheduled meeting each month, for nine (9) months. All meetings shall be held in public and in accordance with the Montana Open Meeting Law (Mont. Code Ann. §2-3-202). Notice of the meeting and the Agenda shall be posted at least forty-eight (48) hours days prior to the meeting at City Hall.

A quorum shall be present at all meetings at which official action is taken. A quorum shall consist of a number greater than half of the total Commission. At any Commission meeting a quorum shall be necessary to conduct any official business. The passage of an official item will be the majority of members present, if those present constitute a quorum. If any member has a conflict of interest, they shall recuse themselves from the vote.

The commission may also present a preliminary action via electronic mailing to all members; however, in order to become official, the action must be brought up at the next meeting and confirmed by the members. The secretary will include all electronic responses in the official minutes of the Commission.

ARTICLE VII - POWERS AND DUTIES

The Powers and Duties of the City of Deer Lodge's Resolution No 979, dated February 5, 2001, that established the Historic Preservation, are made a part of these By-Laws. The Powers and Duties are as follows:

1. Maintain a system for the survey and inventory of historic and prehistoric properties. The Commission shall maintain this inventory of identified districts, sites, buildings and structures with the City of Deer Lodge and make this information available to the public. However, the Commission shall withhold information about the locations, character, or ownership of historic or prehistoric resources of that disclosure may (1) cause a significant invasion of privacy, (2) risk harm to the resource, or (3) impede the use of a traditional religious site by practitioners (Sec 304 of the National Preservation Act, as amended).
2. Use the “National Register of Historic Places Criteria for Evaluation” for local designation of historic and pre-historic properties.
3. Participate in the process of nominating places to the National Register of Historic Places according to the Montana State procedures for Certified Local Governments, including reviewing and commenting on any National Register nominations within the City of Deer Lodge.
4. Review and comment on planning programs undertaken by the City of Deer Lodge, State and Federal agencies which relate to historic resources, such land use, municipal improvements, housing and other types of planning.
5. Consul with City, County, State and Federal agencies on all applications, environmental assessments, and other similar documents pertaining to historic districts, landmark sites, landmarks or properties.
6. Review the City’s zoning regulations for their applicability to issues of historic preservation and makes appropriate recommendations to the City Council concerning any changes or modifications to zoning regulations and zoning district boundaries.
7. Ensure that all changes of occupancy or use of historic places must comply with all applicable building , fire, and life safety codes adopted by the City.
8. Make recommendations to the Deer Lodge/Powell County Planning Board and other pertinent bodies or organizations concerning matters being reviewed by such boards. The Commission shall request that the Powell County Planner notify all commission members, in writing, of such meetings.
9. Participate in, encourage, promote and conduct public informational, educational and interpretive programs pertaining to historic preservation including potential tax incentives and Federal and/or State grants that might be available.
10. Take any action, necessary to ensure compliance with federal and state guidelines regarding the Certified Local Government Program.
11. Submit an annual report to the State Historic Preservation Office describing projects,

activities, recommendations and decisions made, projects reviewed, recommendations to the National Register of Historic Places, revised resumes of Historic Preservation Commission members and member attendance records. Indexed copies of the following will be attached to the annual report, inventory forms, survey forms, maps, photographs, and other survey materials or planning documents generated during the preceding year.

12. At least one (1) member of the Commission shall attend at least one (1) training session each year that complies with the Certified Local Government Program requirements and review any orientation materials provided by the State Historic Preservation Office.

13. Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping and/or maintenance of potentially historic buildings or structures. The Commission may recommend voluntary design guidelines, which will be made available to the public for assistance in preservation projects.

14. The Commission established will make quarterly reports to the City Council discussing its activity and accomplishments for the past quarter. Minutes of Commission meetings and any other information deemed necessary might be appended to such quarterly reports.

15. The Commission shall enforce appropriate State or Local legislation for the designation and protection of historic properties. To meet this duty the Commission shall review proposed demolishing of, changes to, or other actions that may affect locally designated historic prehistoric properties. The Commission shall advise the property owner and the applicable City or County Agency (Sec. 101© 4 of the National Preservation, as amended).

16. The Distribution of funds from the Commission will be pursuant to the established policy of the Commission, which will meet the standards of the Secretary of Interior.

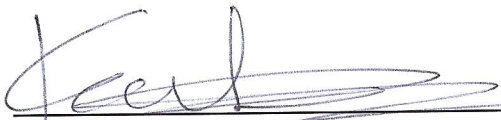
ARTICLE VII - PARLIAMENTARY PROCEDURE

Except as otherwise prescribed by these rules, the Commission meetings shall be guided by the most recent published Rules of Order published by Montana State University.

ARTICLE VIII - AMENDMENTS

These bylaws may be amended at a regular noticed meeting of the Commission by the affirmative majority vote of the full membership, provided that the proposed amendments have been submitted in writing at a previous meeting.

APPROVED AND ACCEPTED BY THE COMMISSION, this 23 day of March,
2017.


KATHERINE B. BAIR, Chairperson
STEVE OWENS, Secretary