

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BYLAWS

ARTICLE I: STATUTORY REFERENCES

Section 1: National

National Historic Preservation Act of 1966 as amended, 80 Stat. 915; 16 U.S.C. 470 et seq. (1970 ed.) with Rules and Regulations in Federal Register Vol. 42, No. 183.

Section 2: State

22 V.S.A. Chapter 14: Creation, powers and duties, Sections 741, 742, 743.

ARTICLE II: ORGANIZATION OF THE COUNCIL

Section 1: Meetings

(1) The annual meeting shall be held in the month of March. Election of officers shall take place at the annual meeting.

(2) Regulation meetings shall be held as determined by Council, ordinarily on a monthly basis

Section 2: Officers, Election

The officers shall be Chairman, Vice Chairman and Secretary. The Chairman and Vice Chairman shall be elected at the annual meeting. The Secretary shall be the State Historic Preservation Officer (SHPO) or his/her designee.

Section 3: Officers, Duties

(1) The Chairman shall preside at all meetings and perform such other duties as are usual to the conduct of the office or are assigned by the council.

(2) The Vice Chairman shall act in the absence of the Chairman.

(3) The Secretary shall be responsible for the minutes of the meetings, shall work with staff of the Division for Historic Preservation to send out notices of time and place of meetings, and shall issue public information material as authorized by the Chairman or SHPO.

Section 4: Rules of Procedure, Compensation

(1) Robert's Rules of Order shall be used at meetings.

(2) Members of the Council shall be reimbursed for expenses necessarily incurred at the rate common to similar state councils or committees.

Section 5: Attendance at Meetings, Voting

(1) Participation by telephone or virtually constitutes presence at the meeting provided all members participating in the meeting can hear one another and those members attending by telephone or virtually are able to vote.

(2) Notwithstanding Article II, Section 5(1), above, a member who is not physically present at the meeting in which Historic Preservation Grants or Barn Preservation Grants are evaluated and awarded shall not be permitted to vote on the award of such grants.

(3) Notwithstanding Article II, Section 5(2), above, a member who is not physically present at a meeting in which the Historic Preservation Grants and Barn Preservation Grants are evaluated, and award may submit grant scores prior to the meeting.

(4) At the Council's discretion, a recommendation to the Office of the Governor may be submitted for removal of a Council member for failure to attend three meetings in any 12-month period.

### ARTICLE III: COUNCIL ACTIVITIES

#### Section 1

The Council shall review the State Register of Historic Places on an ongoing basis. Removal from the State Register shall be initiated by the Council when, in the opinion of the Council and upon recommendation of the SHPO, the historic property no longer meets the applicable criteria for nomination.

#### Section 2

The Council shall review the State Historic Preservation Plan, 22 V.S.A. Section 723(a)(4), annually in accordance with the Division's and National Park Service's schedule requirements.

#### Section 3

Criteria for inclusion in the National Register of Historic Places shall be those set forth in the National Historic Preservation Act together with rules and regulations attached thereto.

Criteria for inclusion in the State Register of Historic Places shall follow those set forth in the National Historic Preservation Act.

#### Section 4

Removal of properties from the State Register and National Register shall be initiated by the Council when, in the Council's opinion and upon the recommendation of SHPO, the property no longer meets the criteria mentioned in Section 3 of the Article. The final removal from listing in the State Register is at the discretion of the Council and final removal from listing in National Register is at the discretion of the National Park Service.

#### Section 5

Property owners affected by any impending action as mentioned in Sections 1, 3 and 4 of this Article shall be notified sufficiently in advance to allow an opportunity to file comments or objections. Such comments will be addressed in writing in care of the Division.

#### Section 6

Subgrants, in order to be approved, will be evaluated according to criteria developed for federal, state and other subgrant programs, as appropriate for the source of funding. Criteria will be reviewed and modified as necessary, annually or as often as subgrant programs require.

Section 7

The Council shall receive and review reports of the activities of the professional staff as frequently and in as much detail as deemed necessary to monitor the conduct of the program.

Section 8

The Council shall perform such other duties as are required by Title 22, Vermont Statutes Annotated Chapter 14, as the same may be modified from time to time, with due notice to the Council of any new duties.

Section 9

The Council delegates authority to SHPO those duties as required by Title 22, Vermont Statutes Annotated Chapter 14, as appropriate,

- (1) related to the advisory and coordinative mechanism by which state undertakings of every kind which are potentially deleterious to historic preservation, including the review of proposed state or state-assisted undertakings or independent agency having authority to build, construct, license, permit, authorize or approve any undertaking. (22 V.S.A. § 742(a)(7)
- (2) to provide testimony relating to the historical, architectural, archeological significance of state register and national register sites. (22 V.S.A. § 742(b)
- (3) to consult with an agency, division or commission involving demolishing, altering, or transferring any property that is potentially of historical, architectural, archeological, or cultural significance, including any property listed on the state register (22 V.S.A. § 743). Final consultation of unavoidable adverse effects shall be presented to the Council.
- (4) this delegation of authority applies to projects and not programs.

ARTICLE IV: AMENDMENTS

Section 1

Amendments to these articles may be initiated at any regular meeting of the Council, but final adoption must be delayed until a subsequent meeting in which the proposal of amendment is contained in the call of the meeting.

ARTICLE V: CONFLICT OF INTEREST

Section 1

It is the responsibility of individual Council members to state any conflict of interest. The Council will determine the appropriate course of action based on the federal guidelines set forth in NPS-49, Chapter 3, and the Vermont Executive Code of Ethics.