

**BYLAWS OF THE  
LOUISVILLE HISTORIC PRESERVATION COMMISSION**

**ARTICLE I  
The Commission**

**Section 1. Introduction.** These Bylaws of the Louisville Historic Preservation Commission are adopted pursuant to the authority stated in the Louisville Home Rule Charter, Ordinance No. 1401, Series 2002, Resolution No. 34, Series 2002, Resolution No. 20, Series 2009, Resolution No. 20, Series 2010, Resolution No. 2, Series 2012, Resolution No. 2, Series 2014, and Resolution No. 4, Series 2014.

**Section 2. Office.** The office of the Commission shall be considered the Louisville City Hall, 749 Main Street, Louisville, CO 80027, or such other place in the City of Louisville, Colorado as the City Manager may designate from time to time.

**Section 3, Purpose and Duties.**

**A. Quasi-Judicial.** The Commission shall have the powers and functions specified in the ordinances of the City.

**B Duties.** The role of the Commission will include, but not be limited to, advising the City Council on such matters as:

- (i) Landmarking of Historic Buildings
- (ii) Alterations to Historic Buildings
- (iii) Demolition of Historic Buildings
- (iv) Incentives for Historic Preservation
- (v) Utilization of the Historic Preservation Fund
- (vi) Outreach and Education on Historic Preservation Issues

**C Certified Local Government.** The Commission shall fulfill the requirements of a qualified Historic Preservation Commission per the Colorado State Historic Preservation Office standards for Certified Local Governments.

**ARTICLE II  
Members**

**Section 1. Number of Members.** The Commission shall consist of seven (7) members whom City Council shall appoint.

**Section 2. Residency Requirement.** Members shall be residents of the City at the time of their appointment and at all times while serving on the Commission (Louisville Home Rule Charter Section 10-2c).

**Section 4. City Employees.** Members may not be employees of the City of Louisville at any time during their appointment to the Commission.

**Section 5. Term of Members.** Each member shall be appointed for a three-year term. A member's term of office shall commence January 1 and shall expire December 31 of the appointment years. Notwithstanding the foregoing, the City Council shall have the authority at the time of appointment to any vacancy to reduce the length of a member's term as necessary to avoid more than two thirds of members' terms expiring at the same time.

**Section 6. Compensation.** Members shall serve without compensation. Expenses actually incurred in the performance of the duties of office may be paid only if the expense and amount thereof are approved and authorized in advance by a writing signed by the City Manager. (Louisville Home Rule Charter Section 10-2e).

**Section 7. City Liaison.** The City Manager shall appoint a City staff member to act as liaison to the Commission. Such liaison may advise the Commission, make recommendations, and bring items for discussion. Such liaison is not a member of the Commission, does not vote on matters before the Commission, and may not be counted as a part of a quorum.

### **ARTICLE III Officers and Personnel**

**Section 1. Officers.** The officers of the Commission shall be a Chair and a Vice-Chair.

**Section 2. Chair.** The Chair shall preside at all meetings of the Commission.

**Section 3. Vice Chair.** The Vice-Chair shall perform the duties of the Chair in the, Chair's absence or inability to act. In the event of the absence or inability to act of both the Chair and Vice-Chair, the remaining members shall select some other member of the Commission to temporarily perform the duties of the Chair.

**Section 4. Additional Duties.** The officers of the Commission shall perform such duties and functions as may from time to time be required or authorized by the Commission or these Bylaws.

**Section 5. Election of Officers.** The officers of the Commission shall be elected annually by the Commission at its first meeting of each calendar year and shall assume their duties upon election. Officers shall hold their offices for one year or until their successors are selected and qualified. If the office of the Chair or Vice-Chair is vacant, the Commission shall select a successor from its membership to serve for the unexpired term of said office.

**Section 6. Vacancies.** At the end of any member's term the City Council shall advertise for interested applicants and interview persons regarding such vacancy. Appointments are made annually in December. Members may reapply for vacant positions.

**Section 7. Mid-term Vacancies.** If a Commission member resigns his/her post mid-term, the City Council may invite applications and interview persons regarding such vacancy. The City Council may appoint an applicant to fill the vacancy for the remainder of the year. Such an appointee shall be required to then reapply for the position at the end of the year during the annual application process.

**Section 8. Removal.** A member may be removed during his/her term of office for cause by the City Council as defined in the Louisville Home Rule Charter and Resolution No. 16, Series 2009. Cause shall include but not be limited to:

- A. Violation of city or state ethics laws;
- B. Conviction of a felony or of any other crime involving moral turpitude;
- C. Unexcused absence from more than 25 percent of the regular meetings in any 12-month period;
- D. Neglect of duty or malfeasance in office;
- E. Knowing violation of any statute, ordinance, resolution, rule, policy or bylaw applicable to the board or commission;
- F. Knowing disclosure of confidential information, which is defined to mean information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the board or commission member's position with the City;
- G. Failure to maintain the qualifications of a board or commission member for the board or commission on which the member serves;
- H. Behaving in a harassing, hostile, threatening or otherwise inappropriate manner, or unreasonably disrupting or interfering with the conduct of any meeting of a board or commission; or
- I. Other grounds constituting cause as established by law.

## **ARTICLE IV**

### **Meetings**

**Section 1. Regular Meetings.** The Commission regular meeting time and location shall be determined at the first meeting of each calendar year. In the event any regular meeting falls on a legal holiday observed by the City of Louisville, the Commission shall designate a new meeting time a minimum of one month prior to the holiday meeting date.

**Section 2. Meeting Notice.** The agenda for any meeting shall be posted a minimum of seventy-two hours in advance of the meeting in the following locations and will serve as notice of the meeting:

- A. City Hall, 749 Main Street
- B. Library, 951 Spruce Street
- C. Recreation Center, 900 West Via Appia
- D. Police Department/Municipal Court Building, 992 West Via Appia
- E. City Web Site at [www.LouisvilleCo.gov](http://www.LouisvilleCo.gov)

**Section 3. Location of Meeting.** Pursuant to Section 4-5(d) of the Louisville Home Rule Charter, all meetings of the Commission shall occur in public buildings and public facilities accessible to all members of the public.

**Section 4. Special Meetings and Business at Special Meetings.**

- A. A special meeting may be called by City Staff on the request of the City Manager, City Council, or any four members of the Commission, and may be scheduled and held at any time on at least 72 hours written notice to each member of the Commission. Notice of such special meeting shall be posted in the same manner as prescribed in Article IV, Section 2.
- B. The meeting notice shall be served personally or sent by electronic mail to the member's e-mail address, or left at the member's usual place of residence. The notice need not be served if the member has waived the service requirement in writing.
- C. The Commission shall not take action on any item of business at any special meeting unless:
  - (i.) The item to be acted on has been stated in the notice of the meeting; or
  - (ii.) The item to be acted on is reasonably related to the item which was stated in the notice of the meeting.

**Section 5. Quorum.** The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members shall constitute a quorum for conducting business, but in the absence of a quorum, a lesser number may adjourn any meeting to a later time and date until a quorum is present. When a quorum is in attendance, action may be taken by the Commission upon an affirmative vote of the majority of the members present, except in cases where a greater number is required by the Louisville Home Rule Charter or ordinances, or state laws applicable to the City.

**Section 6. Open Meetings.** In addition to the requirements of these Bylaws, the Commission shall comply with all applicable provisions of the open meetings laws of the State of Colorado and the Louisville Home Rule Charter.

**Section 7. Open Government.**

A. Notice of meetings of the Commission shall be provided to the public in accordance with the requirements of these Bylaws and other applicable provisions of the open meetings laws of the State of Colorado and the Louisville Home Rule Charter.

B. The agenda for any meeting of the Commission shall contain an itemized list of all subjects on which substantive discussions are reasonably expected or which may be the subject of formal action.

C. The Commission shall not engage in substantive discussions relating to, or take formal action on, any subject when that subject was not listed in the agenda for that meeting and is not substantially related to any subject listed in the agenda.

D. For purposes of Subsection C of this Section, a subject is not substantially related to a subject listed in the agenda when a person reading the agenda before the meeting would not have reasonably expected that the subject would be substantively discussed or formally acted upon at the meeting.

E. For purposes of this Section, "substantive discussions" means debate, deliberation or other discussion about the merits, benefits, advantages or disadvantages of any proposed or possible resolution of any issue that will be or may be the subject of formal action by the Commission.

F. Each member of the Commission shall participate in at least one City-sponsored open government-related seminar, workshop or other program at least once every two years. Such program shall conform to the requirements of Section 4-16(a) of the Louisville Home Rule Charter.

**Section 8. Agendas and Meeting Materials.**

A. To the extent possible, the agenda and all documents and materials requiring action by the Commission at any meeting shall be provided each Commission member seventy-two hours in advance of such meeting.

B. The Commission shall make available to the public the agenda and all agenda-related materials. Such information will be available on the City Web Site at [www.louisvilleo.gov](http://www.louisvilleo.gov).

C. For purposes of this Section, "agenda-related materials" means the agenda, all reports, correspondence and any other documents forwarded to the Commission that provide background information or recommendations concerning the subject matter of any agenda item, excluding any documents or records which may or must be withheld from disclosure pursuant to state or federal statutes or constitutional provisions, or common law.

D. Any document that is submitted to the Commission during a meeting shall be immediately made available to the public either by making copies available to the public at the meeting or by displaying the document at the meeting so that the public can view the document. No discussion or consideration of such a document by the Commission shall occur unless the document has been made available to the public as provided in this Subsection D. The foregoing shall not be construed to require the dissemination, display or disclosure of any document or record which otherwise may or must be withheld from disclosure pursuant to state or federal statutes or constitutional provisions, or common law.

**Section 9. Public Records.**

A. Public records of the Commission shall be open for inspection during normal business hours in accordance with the provisions of the Colorado Open Records Act, and Section 5-5 of the Louisville Home Rule Charter. The Commission shall strictly construe exceptions provided under the State statutes authorizing certain public records to be exempt from disclosure to the public. In the event of conflict among the various provisions of such laws, whichever law provides greater access to Commission records and less expense to the person requesting the records shall control disclosure by the Commission.

B. City Staff shall maintain a file of all studies, plans, reports, recommendations and resolutions made by the Commission in the exercise of its duties.

**Section 10. Public Participation.** For matters on or off the agenda, save presentations by an applicant or agent or attorney in regard to a public hearing, public comments shall be limited to three minutes, unless waived by the chair or a majority vote of the Commission on a point of order.

## **ARTICLE V**

### **General**

**Section 1. Committees.** The Chair may appoint members of the Commission to such committees as deemed necessary to perform any functions for the purpose of advising the Commission.

**Section 2. Conflict of Interest; Code of Ethics.** The members and officers of the Commission shall comply with all applicable federal and state laws regarding conflicts of interest. The members, officers and employees of the Commission shall also comply with the Code of Ethics set forth as Sections 5-6 through 5-17 of the City of Louisville Home Rule Charter ("Code of Ethics"). For purposes of application of such Code of Ethics only, the Commission shall be considered a "public body" and a member of the Commission shall be considered a "public body member."

**Section 3. Amendment of Bylaws.** The Bylaws of the Commission may be amended only upon a majority vote of the members of the Commission.

## **ARTICLE VI**

### **General Rules of Procedure for Public Hearings**

**Section 1. Recording.** A record of any public hearing shall be made by electronic recording device.

**Section 2. Notice.** Notice of a public hearing shall be given in the manner and according to the procedures set forth in applicable City ordinances.

**Section 3. Rules of Evidence.**

A. The Commission shall not be required to observe formal rules of evidence during hearings, but may consider any matter which the Chair concludes is reasonably reliable and calculated to aid the Commission in reaching an accurate determination of the issues involved.

B. Rulings on questions of admissibility will be decided by the Chair unless objected to by a member of the Commission, in which case the ruling shall be made by the Commission.

C. The meeting agenda and all agenda-related materials constituting the meeting packet for the meeting at which the hearing is held shall be included within the record of the hearing without further necessity for making and admission thereof. All other documents or other materials offered as exhibits shall be marked and identified for the record before offering them to the Chair for admission into the record of the hearing.

**Section 4. Appearance.** Any party to a hearing may appear before the Commission in person or by agent or by attorney.

**Section 5. Testimony.**

A. All witnesses shall identify themselves by name and address.

B. The Chair may limit testimony or questioning that is repetitive, cumulative, argumentative, or not pertinent to the issues, and may set a reasonable time limit on the duration of the testimony if the Chair determines it to be necessary in light of the number of persons seeking to testify.

**Section 6. Commission Questions.** Members of the Commission may ask questions of any witness but shall refrain from entering into any argument or debate with any witness.

**Section 7. Applicable Standards.** In making its decisions, the Commission shall apply the criteria set out in City ordinances and applicable state laws.

**Section 8. Burden of Proof.** Unless otherwise required by law, the burden of proof is on the applicant to show that the applicant meets the criteria set out in City ordinances and applicable state laws.

**Section 9. Continuance.** Whenever, in the opinion of the Commission, a hearing cannot be completed at a reasonable hour on the original hearing date, or for other good cause as determined by the Commission, the Commission may continue the hearing to a later date. A continuance may be granted by the affirmative vote of 50 percent or more of the Commission members present at a meeting.

**Section 10. Reopening Public Hearing.** No further evidence shall be presented or considered by the Commission after the hearing is closed, unless the hearing is reopened after all parties are notified and given an opportunity to be heard. Hearings will be reopened only when the Commission deems it necessary to provide justice or fundamental fairness or for other good cause.

**Section 11. Transcripts.** Any person seeking judicial review of a decision of the Commission or otherwise requesting a transcript shall pay to the City the cost of preparing the transcript. If members of the City staff prepare the transcript, the amount of the charge shall be as determined by the City Manager.

**Article VII**  
**Specific Rules of Procedure for Historic Preservation Hearings**

**Section 1. Applications for designation as a historic landmark or historic district.**

A. If an application for landmark designation is submitted by someone other than the property owner, the City Manager or the Manager's designee shall randomly



select a Commission member to meet with the property owner, as required by Section 15.36.060.A of the City Code. If the first randomly selected Commission member is not available within a reasonable time, the City Manager or the Manager's designee shall continue to randomly select members until one is available.

B. Once the application is complete, notice of the public hearing shall be given as required by Section 15.36.060.B of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.
2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.
3. The City Staff shall make a presentation to the Commission regarding the facts and findings of the application.
4. The applicant shall be invited to make a presentation. The applicant shall provide accurate factual information sufficient for the Commission to determine whether the application meets the applicable criteria.
5. Any members of the public who wish to testify shall be invited to do so. Speakers shall state their names and addresses. The Commission may limit the time for each person's comments and may limit repetitive testimony.
6. The applicant has the option to respond to the public testimony. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and determine if the applicable criteria as contained in Section 15.36.050 of the City Code are met. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal, and the recommendation to City Council, must be made within the time limits set forth in

Section 15.36.060.B of the City Code.

8. The Commission's recommendation shall be reviewed by City Council as provided in Section 15.36.060.C of the City Code.

**Section 2. Landmark alteration certificates.**

A. When the Building Division forwards an application for a permit to carry out new construction, alteration, removal or demolition of a building or other designated feature of a landmark site or in an historic district, as required by Section 15.36.100.B of the City Code, or the Commission receives an application for a landmark alteration certificate, a person designated by the City Manager and two randomly selected members of the Commission shall review the certificate as required in Sections 15.36.110 & 120 of the City Code. If one or both of the Commission members are unable to participate in the review within seven days, the city staff designee shall continue to randomly select names until two members of the Commission are available.

B. If a public hearing is required, notice of the hearing shall be given as required by Section 15.36.110.D of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. Steps 1-6 as listed above Article VII, Section 1, C.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Sections 15.36.110.E & F, 15.36.120, 15.36.150 and 15.36.180 of the City Code, as applicable. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal must be made within the time limits set forth in Section 15.36.140 of the City Code.
8. If appropriate, the Commission shall issue a landmark alteration certificate as soon as is practicable after the Commission's findings are entered.
9. The decision of the Commission may be appealed to City Council as provided for by Section 15.36.160 of the City Code.

**Section 3. Exemptions from an alteration certificate.**

A. If the applicant is unable to meet the requirements for an alteration certificate, whether or not the applicant has sought an alteration certificate previously,

the applicant may request an exemption from the alteration certificate requirement. The request must be in the form provided by the Commission.

B. Notice of the public hearing shall be given as required by Section 15.36.110.D of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. Steps 1-6 as listed above Article VII, Section 1, C.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Section 15.36.130 of the City Code. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal, must be made within the time limits set forth in Section 15.36.140 of the City Code.
8. If appropriate, the Commission shall issue an exemption certificate as soon as practical after the Commission's findings are entered.
9. The decision of the Commission may be appealed to City Council as provided for by Section 15.36.160 of the City Code.

**Section 4. Neglect of landmarked properties.** If the owner of any landmarked property allows that property to suffer from neglect, as provided for in Section 15.36.190 of the City Code, the Commission shall discuss the matter at a public meeting. If the Commission determines that further investigation is necessary, the Commission shall appoint one or more members of the Commission or City staff to investigate the matter and report any findings at the next meeting on of the Commission. If appropriate, the Commission shall thereafter send a notice to the property owner, as provided for in Section 15.36.190.C of the City Code.

**Section 5. Applications for permits to demolish or relocate non-landmarked properties over fifty years old.**

A. A City staff member and two randomly selected members of the Commission shall review all permit applications for demolition, relocation or removal of buildings that are over fifty years old within fourteen days after the Building Division accepts a completed permit application, as provided by Section 15.36.200 of the City Code. If one or both of the Commission members are unable to participate in the review within fourteen days, the city staff member shall continue to randomly select names until two members of the Commission are available.

B. If a public hearing is required, pursuant to Section 15.36.200.E of the City Code, notice of the hearing shall be given as required by Section 15.36.110.F of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. Steps 1-6 as listed above Article VII, Section 1, C.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Section 15.36.200.G of the City Code. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose.
8. If the Commission finds that the building to be demolished, relocated or removed does not have historical significance under Section 15.36.200.G of the City Code, it shall notify the Building Division as soon as possible. If the Commission finds that the building does have historical significance, it shall suspend the application for a period not to exceed 180 days from the date the permit application was accepted by the Building Division, to take measures as provided in Sections 15.36.200.I, J & L of the City Code.

#### **Section 6. Revocation of designation.**

A. If an owner applies for revocation of a landmark designation pursuant to Section 15.36.210.A of the City Code, the Commission shall hold a public hearing.

B. Notice of the public hearing shall be given as required by Section 15.36.060.B of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. Steps 1-6 as listed above Article VII, Section 1, C.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and determine whether without the demolished building or feature the site as a whole no longer meets the purposes and standards of landmark

designation. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose.

8. Upon a final decision to revoke a designation, the Commission shall propose a resolution to City Council, pursuant to Section 15.36.210.C of the City Code.

### **Section 7. Historic Preservation Fund Grant Requests.**

A. If an owner of a landmarked property applies for a grant from the Historic Preservation Fund, the Commission shall hold a public hearing on the matter.

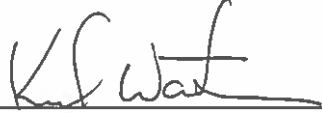
B. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. Steps 1-6 as listed above Article VII, Section 1, C.
7. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and determine grant request complies with the standards for such grants as established from time to time by City Council resolution or ordinance. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose.
8. Upon a final decision, the Commission shall propose a resolution to City Council, stating the reasons for such decision.

### **Article VIII Conflict of Law**

Where any conflict exists between any provisions of these Rules and any City ordinance or resolution applicable to the Commission, such ordinance or resolution shall control over the provisions of these Rules and these Rules shall be deemed to have been amended to conform to such ordinance or resolution. It is the intent of the Commission that these Rules be interpreted so as to achieve a just and reasonable result and to not conflict with other ordinances and resolutions applicable to the Commission, including but not limited to Chapters 2.66 and 5.36 of the City Code and Resolution No. 34, Series 2002, as in effect from time to time.

THESE BYLAWS ARE ADOPTED by the Historic Preservation Commission this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

  
Chair