

**BY-LAWS
GOVERNING THE PROCEDURE OF THE
HISTORIC PRESERVATION COMMISSION
OF THE CITY OF LEE'S SUMMIT, MISSOURI**

**ARTICLE 1
STATEMENT OF PURPOSE**

Section 1. Purpose

Pursuant to Section 253.415 of the Revised Statutes of Missouri, as amended, and Ordinances 3137, 5209 and 6733 of the City of Lee's Summit, Missouri, the following rules shall be the established procedures for organizing and governing the transaction of the business of the Historic Preservation Commission of the City of Lee's Summit (hereinafter Commission). The purpose and intent of the Commission are those set forth in Ordinances 3137, 5209 and 6733 which are stated as it is declared as a matter of public policy that the protection and enhancement of buildings, structures, or sites and land improvements of special historic, aesthetic or architectural significance are required in the interest of promoting the educational, cultural, economic and general welfare of the City of Lee's Summit. The Commission serves as City Council's official historic preservation advisory body to identify, preserve, protect, and educate the public about Lee's Summit's historic resources.

Section 2. Jurisdiction

The Commission's jurisdiction shall be applied within the local historic overlay zoning district as delineated on the City's official zoning map.

**ARTICLE 2
MEMBERSHIP**

Section 1. Membership

- (a) Membership of the Commission shall be established and vacancies filled in accordance with Section 18.180 of the Unified Development Ordinance (hereinafter UDO). The Mayor, with the consent and approval of the majority of the members of the City Council, shall have the power to appoint seven (7) members. In addition, two ex officio non-voting members may also be appointed but shall not be counted or included in determining a quorum. One such non-voting member may be selected from the City Council by the Mayor Pro-Tem and one may be selected from the Planning Commission by its Chair.
- (b) Terms. Member appointments shall be for terms of four (4) years. A member may serve consecutive terms. Ex officio members shall serve at the discretion of the Mayor Pro-Tem and Planning Commission Chair, respectively.

- (c) Commission members shall serve without compensation and for four (4) year terms.
- (d) Qualifications. Members shall be residents of the City, or business or property owners within the City and must continue to reside or be business or property owners in the City so long as they serve on the Preservation Commission. All members should have demonstrated an interest and knowledge of local history, architecture or preservation. No more than two (2) members of the Preservation Commission shall be nonresidents. In addition, every effort should be made to appoint members with the following additional qualifications:
 - 1. Architect with professional experience in historic preservation, and building rehabilitation, restoration and stabilization.
 - 2. Archeologist.
 - 3. Licensed building contractor with historic building experience.
 - 4. Licensed real estate development professional.
 - 5. Historian or history instructor.
 - 6. Lee's Summit Historical Society member.
 - 7. Homeowner residing in an eligible or existing Landmark or local Historic District or National Register District.
 - 8. Business owner or merchant leasing a commercial property located in an eligible or existing Landmark or local Historic District or National Register District.
- (e) Commission members may provide the Chairperson with the names of qualified individuals to fill any vacancies on the Commission. Every individual interested in serving on the Commission must fill out a Commission Interest Form. The Chairperson and staff liaison shall review the submitted Commission Interest Forms for qualified candidates and submit a recommendation for member replacement to the Mayor.
- (f) Any member may resign by submitting a written notice of resignation to the Chairperson and staff liaison.

Section 2. Attendance

- (a) Regular attendance. Regular attendance by members is essential for the proper functioning of the Commission. The following steps shall be taken to encourage regular attendance by members.
- (b) In the event that a Commission member must be absent from a meeting, the member shall notify the staff liaison before the meeting to advise the Commission of the absence.
- (c) The meeting attendance of all the Commission members shall be not less than 75 percent of the meetings scheduled in one fiscal year. If a Commission member fails to meet the minimal attendance requirement, he or she will be

requested in writing by the Chairperson to submit his or her written resignation from the Commission.

- (d) Upon the receipt of a letter of resignation the Chairperson and staff liaison shall follow the recommendation procedures stated previously in this article to find a replacement member.
- (e) Should the absentee Commissioner not submit a letter of resignation and continue to miss meetings, the Chairperson and staff liaison may submit a letter to the Mayor asking for said commissioner to be replaced and providing justifications for said request.
- (f) In the event the absentee Commissioner is the Chairperson, the Vice-Chairperson shall follow the same procedure.

Section 3. Educational Meetings / Commissioner continuing education

Each Commission member shall attend at least one informational or educational meeting each fiscal year, approved or conducted by the SHPO, pertaining to historic preservation.

Section 4. Voting

- (a) Each of the seven (7) members, but not including ex officio non-voting (liaison) members, of the Commission present at a meeting shall be entitled to vote on an issue before the Commission, except as provided in these bylaws.
- (b) No member may participate or vote on an issue in which that member has a substantial personal or private interest, as defined in Chapter 105 of the Revised Statutes of Missouri.
- (c) If a member has a conflict, he or she shall so advise the Commission at the beginning of the application presentation, and it shall be so recorded in the minutes. Such member shall excuse himself or herself from the proceedings including discussion and voting on said matter.

Section 5. Knowledge of Duties

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the Commission as time and circumstances permit. Members shall familiarize themselves with agenda items prior to the Commission's deliberations on such items.

Section 6. Letter of Conduct

- (a) Each new Commissioner shall sign a Letter of Conduct stating they have read and shall abide by the bylaws for the Historic Preservation Commission and all applicable sections of the Unified Development Ordinance. Failure to follow the rules and prescribed duties may result in removal from the Commission.
- (b) Ex officio non-voting members are not required to sign a Letter of Conduct.

ARTICLE 3 OFFICERS AND THEIR DUTIES

Section 1. Officers

The board of officers of the Commission shall consist of a Chairperson and a Vice-chairperson. Each officer shall be a member of the Commission. Ex officio non-voting members may not serve as officers. The officers shall perform the duties prescribed in these bylaws and by the parliamentary authority adopted by the Commission.

Section 2. Election of Officers.

The Commission shall elect a board of officers by a majority vote annually on the regular meeting of the month of July and the election shall be the first regular item on the agenda.

- (a) The ex officio non-voting (liaison) members shall not be eligible for election as officers.
- (b) Nomination of officers shall be made from the floor and the elections shall follow immediately thereafter.
- (c) A candidate receiving a majority vote of the voting membership of the Commission shall be declared elected and shall serve for a one year term.
- (d) There are no term limits to officer positions.
- (e) Any officer vacancies shall be filled within sixty (60) days or at the next regularly scheduled meeting, whichever is earlier, through the standard nomination and voting process.

Section 3. The Chairperson's Duties.

The Chairperson:

- (a) Shall be the presiding officer at all regular meetings of the Commission at which the Chairperson is present, and
- (b) Shall have the privilege of discussing and voting on all matters before the Commission except as provided in these Bylaws, and
- (c) Shall not preside over or vote on an issue where the Chairperson has a substantial personal or private interest, as defined in Chapter 105 of the Revised Statutes of Missouri, and
- (d) Shall decide all points of order and procedure in accordance with the parliamentary procedure adopted by the Commission, and
- (e) The Chairperson shall, in conjunction with the staff liaison, review the Annual Certified Local Government (CLG) Report to the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO).

Section 4. The Vice-Chairperson's Duties

The Vice-Chairperson shall act as Chairperson or Historic Preservation Officer in the absence or disability of the Chairperson.

Section 5. Acting Officers

In the absence or disability of the Chairperson and the Vice-Chairperson, an acting Chairperson shall be selected by a majority of the Commissioners present.

**ARTICLE 4
SUPPORT STAFF / STAFF LIAISON**

Section 1. Staff Liaison

The Commission shall utilize Planning and Development Department staff liaison and other support staff provided by the City, in accordance with Section 21-33 Employees, Consultants authorized, of the Code of Ordinances, to assist in the completion of the Commission's work as necessary.

- (a) The responsibilities of the staff liaison are to present matters at meetings, act as custodian of records, handle official correspondence, perform or supervise clerical and technical work for the Commission, provide technical assistance to the Commission which shall include, but not be limited to: organizing and coordinating the historic preservation activities of the Commission; preparing reports; serving as liaison between City Departments; preparing and distributing public outreach information; consulting with local, state, and federal government agencies and private organizations; collecting, preparing and distributing information on historic preservation technology and techniques; monitoring historic districts and landmarks; analyzing Certificate of Appropriateness (COA) and Certificate of No Effect (CNE) applications utilizing adopted design guidelines; scheduling of Commission and committee meetings; preparing meeting minutes; handling correspondence and telephone inquiries; maintaining files and records of the Commission; maintaining financial records; and coordinating State Historic Preservation Office (SHPO) grant applications.
- (b) All Commission members may recommend agenda items to the Chairperson and/or Vice Chairperson. The staff liaison shall coordinate meeting agendas with the Chairperson and Vice-Chairperson.
- (c) The staff liaison shall provide assistance to the public which shall include: assisting property owners in filing applications for local historic overlay districts, Certificates of Appropriateness, and Certificates of No Effect; handling correspondence and telephone inquiries; and providing historic information as requested by the general public.
- (d) The staff liaison shall create and coordinate reviews with the Chairperson of the Annual Certified Local Government (CLG) Report to the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO).

**ARTICLE 5
REGULAR AND SPECIAL MEETINGS**

Section 1. Public Meetings and Public Notice

- (a) Public notice of all meetings including three (3) or more Commission members shall be given in accordance with the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.
- (b) All meetings shall be open to the public unless closure is authorized in accordance with Chapter 2 of the Code of Ordinances and Chapter 610, Governmental Bodies and Records, of the Revised Statutes of Missouri.

Section 2. Regular Meetings

Regular meetings of the Commission shall be held on the third Monday of each month at 6:00 P.M. in the City Hall, Lee's Summit Missouri, unless the date conflicts with a legal holiday and it is otherwise agreed by the Commission and notice is given in compliance with the Revised Statutes of Missouri and the Code of Ordinances.

Section 3. Special Meetings

- (a) Special Meetings may be called by the Chairperson, or at the request of three (3) members of the Commission to the Chairperson, provided that at least a 24-hour notice is given to each commission member of the time, place, and agenda of such meeting and the public notice requirements are met.
- (b) No business other than that specified in the agenda may be considered at a special meeting, except by unanimous consent of the entire Commission at the special meeting.

Section 4. Quorum

A quorum shall consist of four (4) members of the Commission, not including the ex officio, non-voting members. A concurring vote of the majority of those present is required to pass a motion unless otherwise specified by parliamentary procedure, these bylaws, the Code of Ordinances, or Revised Statutes of Missouri.

Section 5. Cancellation of Meetings

- (a) A meeting shall be cancelled if a quorum cannot be assembled.
- (b) Whenever there is no business for the Commission, the Chairperson may dispense with a regular meeting by giving notice to the staff liaison not less than 24 hours prior to the time set for the meeting. Staff will notify the Commission members of the cancellation.
- (c) In the event of severely inclement weather, or for good cause, the Chairperson or city staff may dispense with a regular, special, committee, sub-committee, or task force meeting by giving reasonable notice to all the members prior to the time set for the meeting.
- (d) In the event of cancellation, the agenda cancellation notice shall be posted by the staff liaison in City Hall.

Section 6. Agenda Items

Applicants are encouraged to come to a resolution on issues with staff prior to the finalizing of the Commission meeting agenda. On meeting dates with a particularly large number of agenda items to be considered, the Commission may ask for volunteers to continue and/or reconsider their issues with condition in the staff report to facilitate placement on the agenda at that Commission meeting.

Section 7. Agenda Order

Unless otherwise agreed by the Commission, the order of business shall be as follows:

- (a) Call to order and roll call.
- (b) Discussion and approval of agenda.
- (c) Public comments on items not on the agenda.
- (d) Discussion and approval of the Commission consent agenda including meeting minutes from previous meeting(s). The consent agenda may also contain items of a routine and non-controversial nature; these may include, but are not limited to signs, fences, and minor rehabilitation projects. The consent agenda may be accepted by the consent of the Preservation Commission by a single vote without reading, unless a member or person from the public should request the item be removed for further discussion. Any item removed from the consent agenda will automatically be heard in accordance with case, permit, or application number,
- (e) Unfinished business.
- (f) New business.
- (g) Other items.
- (h) Discussion – Public comment (as required by the agenda).
- (i) Roundtable discussion among the members of the Commission.
- (j) Adjournment.

Section 8. Meeting Conclusion

It is the goal of the Commission to conclude the meetings at or before 10:00 PM. This means some items may be continued to the next regularly scheduled meeting. In an effort to assist with out-of-town applicants, (those traveling from outside the Kansas City metropolitan area) those applicants will be identified and every effort will be made to hear the application on the scheduled meeting date. Unless otherwise agreed by the Commission, no new issues or agenda items shall be considered after 10:00 PM.

Section 9. Postponement / Continuation

The Commission may postpone consideration of any issue due to the lack of a quorum or for further study and information until the next regular meeting or until a special meeting designated for that purpose.

Section 10. Loss of Quorum Procedure

In the event during an active Historic Preservation Commission meeting that one or more members of the Commission must leave the meeting for any reason such that it reduces the number of Commissioners below the minimum quorum requirements, the Chairperson shall immediately adjourn the meeting.

- (a) If the loss of quorum occurs during the middle of testimony by another Commissioner, staff, applicant, or member from the public, they will be allowed to conclude their testimony. Upon the conclusion of said testimony the Chairperson shall immediately adjourn the meeting.
- (b) The conclusion of testimony should not continue more than 5 minutes after the loss of a quorum.
- (c) Any agenda items that were under review or would have been reviewed after the quorum was lost will be automatically continued to the next regularly scheduled meeting.

Section 11. Application Reviews

- (a) The Commission will only review complete applications. If the Applicant does not supply the Planning and Development Department with the requested and/or revised materials to accommodate a timely staff review and timely placement in the Commission's packet, the item shall not be placed on the Commission's agenda. If any item which does not meet these standards does appear on the agenda, the Commission may agree to continue the application.
- (b) The Commission shall hold public meetings to consider applications of historic overlay districts and landmarks and Certificates of Appropriateness (COA).
- (c) Unless the Commission otherwise agrees, the order of business in a public meeting, which shall also govern the review of Historic Overlay District/Landmark and Certificates of Appropriateness (COA), in all meetings shall be as follows:
 - 1. The public meeting shall be declared open for public comment by the Chairperson.
 - 2. The subject matter of the public meeting shall be briefly stated by the Chairperson or his/her designee.
 - 3. The applicant or its agent shall present the issue to the Commission. The applicant shall have a fifteen (15) minute time limit for initial presentation and five (5) minutes for rebuttal. This does not include any question and answer exchanges with the Commission. The Commission encourages Applicants to come to the meetings prepared to attentively present their projects, answer questions, and keep the discussion and consideration moving forward, in order that all applications set for deliberation on that agenda may be timely heard. Oral testimony shall be given only after the speaker has been

recognized by the Chairperson. Upon recognition, the speaker shall state their name, current address, and limit comments to the issue under discussion. The time allotted to speakers may be extended at the Chairperson's discretion.

4. City staff shall provide a report to the Commission.
 5. The Commission reserves the right at all times to rule upon the admissibility of evidence. Irrelevant and unduly repetitious evidence may be excluded.
 6. Comments from citizens and other interested parties in favor of or in opposition to the issue shall be received. Oral testimony shall be given only after the speaker has been recognized by the Chairperson. Upon recognition, the speaker shall state their name, current address, and limit comments to the issue under discussion. Each citizen desiring to speak during a public meeting shall be limited to five (5) minutes per person, and if there is a spokesperson from a defined group, that person may take a total of ten (10) minutes. The time allotted to the spokesperson shall begin to run upon recognition by the Chairperson. The time allotted to speakers may be extended at the Chairperson's discretion.
 7. The applicant or its agent shall have the opportunity to rebut comments from City staff or citizens.
 8. The Commission shall present questions to the applicant, City staff, or the citizens.
 9. The Chairperson shall close the public comment portion of the meeting.
 10. The Commission shall discuss the issue presented and, if required, propose a motion to approve, deny, or continue the issue to a date certain.
 11. The Commission shall vote on the motion.
- (d) Verbal outbursts, heckling, jeering, or denigrating physical gestures will not be allowed. Persons demonstrating such actions shall be asked to leave the meeting.
- (e) No Commission member shall vote on any matter deciding an application, or a request to reconsider, unless that member has attended, or has had access to the minutes and record of the Commission's previous deliberations on such application. In the event of an absence from previous deliberations, the member shall declare for the record that he or she has reviewed the minutes and record and is familiar with the previous deliberations.
- (f) No Commission member shall, in any manner, discuss any Certificate of Appropriateness application with any parties or their representatives prior to the Commission's deliberation and determination on such application; provided, however, that should a Commission member determine that

discussion of an application with a party or representative prior to the Committee's deliberation and determination would be in the best interest of the Commission's Mission and Purpose, the Commission member shall make such discussion known to the Commission immediately prior to its deliberation on the application and shall be disqualified from the deliberations.

- (g) Members of the Commission shall not express individual opinions on the proposed judgment of any application with any person prior to the determination of that application, except in accordance with these rules.
- (h) Violations of subsections 9, 10, and 11 of Article 5, Section 11, Paragraph (c), may be grounds for the Chairperson and staff liaison to submit a letter to the Mayor asking for said Commissioner to be replaced and providing justifications for said request. If the Chairperson is the Commissioner in violation these subsections, then the Vice Chairperson shall follow these same procedures.

ARTICLE 6

Records and Policies

Section 1. Minutes and Official Records

- (a) Minutes of meetings and records of votes shall be kept in accordance with Chapter 2, Administration, of the Code of Ordinances and Chapter 610, Governmental Bodies and Records, of the Revised Statutes of Missouri.
- (b) All public records of the Commission shall be made available to the public in accordance with Chapter 2, Administration, of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.
- (c) Minutes, agendas, correspondence, official memorandums, site plans, building elevations, documents, photographs, applications and material relating to the business of the Commission shall be permanently maintained by the Planning and Development Department. Such records are available to the general public for inspection during regular business hours, unless they are closed records pursuant to the Missouri Sunshine Law.
- (d) The minutes of Commission meetings shall be taken from recordings of the meetings. The minutes shall be an accurate and detailed summary (not a transcription) of the meeting proceedings. Audio or video recordings of Commission meetings shall be maintained for at least one (1) year.
- (e) Individual files shall be maintained for each property considered by the Commission, consisting of applications and all related plans, drawings, correspondence, information submitted and, if applicable, the Certificate of Appropriateness (COA) or Certificate of No Effect (CNE).
- (f) The Commission shall review and consider all official correspondence relating to its role as a Certified Local Government (CLG) body, and shall take or shall direct the staff liaison to take appropriate action in connection therewith.

- (g) Official correspondence may be signed by the Chairperson or the Vice-Chairperson. The staff liaison shall issue certificates for Certificate of Appropriateness (COA) applications as approved by the Commission and Certificate of No Effect (CNE) certificates as approved by staff and shall handle routine business and correspondence for the Commission.
- (h) The staff liaison shall be responsible for posting notice of all regular Commission, committee, and sub-committee meetings, as well as all other meetings.
- (i) The staff liaison shall, in conjunction with the Chairperson, prepare the Annual Certified Local Government (CLG) Report to the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO) and shall meet the deadline established by the SHPO.

Section 2. Policies

The Commission may establish official policies governing consideration of matters presented to it. Such policies may address issues such as an application for a Historic Preservation Overlay District zoning amendment, submission of Certificates of Appropriateness and the filing of complaints before the Commission for consideration at the Commission's meetings. These policies may specify the form of application or filing and set procedures for the scheduling of such items on the Commission's agenda.

**ARTICLE 7
COMMITTEES/TASK FORCES**

Section 1. Committees, sub-committees, and task force members

- (a) Standing committees or sub-committees, and task forces shall be appointed by the Chairperson for the purposes and terms which the Commission approves.
- (b) Unless the Commission agrees otherwise, committee members shall be appointed from the seven (7) regular members of the Commission.
- (c) The Chairperson shall be an ex officio member of all committees with the right to participate in the work of the committees.
- (d) Minutes of said meetings may or may not be taken per the discretion of the Chairperson.
- (e) Chairperson(s) of the committee, sub-committee meetings, or task force shall report to the entire Commission at the next regularly scheduled meeting the discussion and actions taken at the respective meeting.
- (f) Quorum requirements for Committee, sub-committee, and task force meetings shall meet a minimum quorum requirement of a simple majority of the appointed Commissioners to said Committee, sub-committee, or task force as stated in Article 5 Section 4.

- (g) The procedure for cancellation of Committee and sub-committee meetings shall be as stated in Article 5, Section 5.

Section 2. Open Records

All public records of the committees shall be available to the public in accordance with Chapter 2, Administration, of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.

**ARTICLE 8
PARLIAMENTARY PROCEDURE**

Section 1. Robert's Rules of Order

The rules contained in the current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable except where they are inconsistent with these bylaws, any special rules of order the Commission may adopt, or any of the Revised Statutes of Missouri that are applicable to the operation of the Commission.

**ARTICLE 9
AMENDMENT OF BY-LAWS**

Section 1. Review

These by-laws shall be reviewed and may be amended every three (3) years from the initial approval date of these bylaws, if there is a conflict between these bylaws and the Unified Development Ordinance (UDO) or the City Charter, or to resolve conflicting statements or policies in the currently adopted bylaws.


Section 2. Bylaw approval

These bylaws may be amended by an affirmative vote of two-thirds (five (5) members) of the entire membership (seven (7) regular members) of the Historic Preservation Commission.

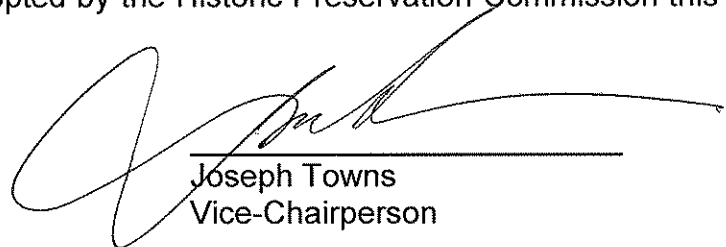
Section 3. Bylaw proposed amendments

Proposals for amendment of the bylaws shall be presented in writing at a meeting of the Commission and action taken at a subsequent meeting.

These by-laws are approved and adopted by the Historic Preservation Commission this 23rd day of January, 2012.



Kathy Smith
Chairperson



Joseph Towns
Vice-Chairperson