

RESOLUTION R-90-1(HP)

A RESOLUTION OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD ADOPTING RULES OF PROCEDURES FOR THE MANATEE COUNTY HISTORIC PRESERVATION BOARD MEETINGS; PROVIDING FOR NUMBERING OF HISTORIC PRESERVATION BOARD RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Manatee County Historic Preservation Board of Manatee County, Florida, is empowered under Section 306.3.9 of the Manatee County Land Development Code, to adopt its own rules of procedures; and

WHEREAS, the Manatee County Historic Preservation Board, wishes to adopt rules of procedure to provide for appropriate public input, to streamline meetings, and to further protect the health, safety and welfare of the citizens of Manatee County.

NOW, THEREFORE, BE IT RESOLVED BY THE MANATEE COUNTY HISTORIC PRESERVATION BOARD, that:

1. The Rules of Procedure, attached hereto as Exhibit "A" and incorporated herein by reference for Historic Preservation Board meetings, are hereby adopted.
2. Resolutions of the Manatee County Historic Preservation Board shall be assigned according to a separate sequence of numbers for this Board only and shall include the initials (HP) at the end in order to differentiate from other resolutions.
3. This Resolution shall become effective on November 19, 1990.

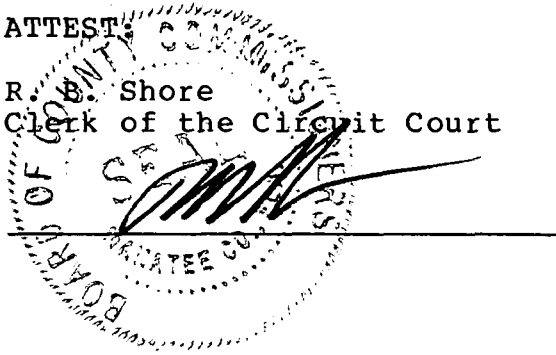
ADOPTED WITH A QUORUM present and voting this 19th day of November, 1990.

HISTORIC PRESERVATION BOARD
MANATEE COUNTY, FLORIDA


Chairman

ATTEST:

R. B. Shore
Clerk of the Circuit Court



-HP1-1

EXHIBIT "A"
PROCEDURES FOR THE MANATEE COUNTY
HISTORIC PRESERVATION BOARD MEETINGS

I. OFFICIAL HISTORIC PRESERVATION BOARD ACTION.

- A. Matters for Historic Preservation Board Consideration. Any matters which relate to the Historic Preservation Board duties, authority of powers given to it by the Manatee County Board of County Commissioners under Section 306 of the Manatee County Land Development Code (LDC), or other applicable law, may be brought before the Historic Preservation Board for appropriate consideration or action.

II. HISTORIC PRESERVATION BOARD OFFICERS.

- A. Election of Officers. The Historic Preservation Board shall elect a Chairman, a First Vice-Chairman, a Second Vice-Chairman, and a Third Vice-Chairman at the first regular meeting held after October 15th of each calendar year. Officers shall hold office until a successor is elected, unless removed from such office by a majority vote of the Historic Preservation Board prior thereto, or unless the officer's term of office as a Historic Preservation Board member ceases for any reason.
- B. Assignment of Duties. The Chairman shall have the authority to assign honorary and administrative duties to other members of the Historic Preservation Board.
- C. Quorum and Officers. A quorum exists when four members of the Historic Preservation Board are present. In the absence of the Chairman, the First Vice-Chairman shall have all duties and authority of the Chairman. In the absence of both the Chairman and First Vice-Chairman, the Second Vice-Chairman, or in his/her absence, the Third Vice-Chairman shall have all duties and authority of the Chairman until the return of a higher ranking officer. In the absence of any elected officers at the time scheduled for the opening of a public meeting or workshop, the first member who notifies the Clerk of the member's intention to preside over the meeting shall have all the duties and authority of the Chairman until the return of a Historic Preservation Board officer. In the absence of a quorum, those members assembled, including a single member of the Historic Preservation Board if only one should be present, may:
1. Take measures to obtain a quorum;
 2. Fix the time to adjourn or take a recess; and

3. Continue a public hearing on any scheduled matter to a time and date certain.

In the absence of a quorum, the provisions of Section IV shall not be applicable and staff reports shall not be provided, public comments shall not be solicited, and only discussion related to those actions authorized hereunder shall be permitted.

D. Vacancy in Office.

1. Upon occurrence of a permanent vacancy or inability to serve in the position of Chairman, the following shall occur:
 - a. The First Vice-Chairman shall automatically succeed to the Chairmanship for the remainder of the term of office thereof;
 - b. The Second Vice-Chairman shall automatically succeed to the First Vice-Chairmanship for the remainder of the term of office thereof;
 - c. The Third Vice-Chairman shall automatically succeed to the Second Vice-Chairmanship for the remainder of the term of office thereof;
 - d. The Historic Preservation Board shall, at the first regularly scheduled meeting at which the existence of the vacancy is known, elect a new Third Vice-Chairman.

III. MEETINGS.

- A. Types of Meetings. The Historic Preservation Board shall have the authority to hold the following types of meetings:
 1. Regular Meetings. The Historic Preservation Board shall hold regular meetings on the third Monday of each month. Regular meetings shall commence at 9:30 a.m. and shall be held in such place as may be designated. Any regular meeting may be held earlier, rescheduled, postponed or canceled by the Chairman of the Historic Preservation Board, the County Administrator or their designees.

2. Special Meetings. A special meeting of the Historic Preservation Board may be called by the Chairman of the Historic Preservation Board, Board of County Commissioners, or the County Administrator, or his/her designee, as necessary. Whenever a special meeting is called, a written notice shall be given to the members of the Historic Preservation Board, the Clerk, the County Attorney, the Director of the Planning and Zoning Department, or any persons entitled, as a matter of law, to written notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. One sunset and sunrise must elapse between the time the meeting is called and the time the meeting is to be held. The minutes of the special meeting shall show the manner and method of notice.
3. Workshops. The Historic Preservation Board may hold workshops from time to time for consideration of matters which are not ready for Historic Preservation Board action. No formal action may be taken at workshops. Notice of workshops shall be posted at the Planning and Zoning Office.

B. Preparation of Agenda.

1. Planning & Zoning Director. The Planning & Zoning Director, or his/her designee, shall prepare the agendas and assemble the accompanying back-up or background information for the Historic Preservation Board meetings. Except as stated below, no item may be added to the agenda without the approval of the Planning & Zoning Director, or his/her designee.

The agenda will be made available to the public at the Planning and Zoning Department in sufficient time for citizens to review the materials prior to the meeting.

2. County Attorney. The County Attorney's Office may establish its portion of the agenda for Historic Preservation Board meetings and may add supplemental items to the agenda whenever, in the discretion of the County Attorney, or his/her designee, such items require Historic Preservation Board attention at that meeting.
3. Historic Preservation Board. The Historic Preservation Board may have an item placed on an agenda for the next scheduled Historic Preservation Board meeting at which the item can be considered consistent with all applicable notice requirements. Matters that do not require public notice may, with the consent of the majority of the Historic Preservation Board members, be considered and acted upon at any Historic Preservation Board meeting.

IV. CONDUCT AT MEETINGS.

- A. Generally. The business of the Historic Preservation Board shall be taken up in accordance with the agenda prepared for the meeting. The Chairman, at his/her option, may take business out of order if he/she determines that such a change in the agenda's schedule will expedite the business of the Historic Preservation Board.

All meetings of the Historic Preservation Board and its committees shall be public meetings, and no business shall be transacted except in compliance with the Florida Government-In-The-Sunshine Law.

If consideration of a matter is postponed due to lack of a quorum, the Chairman of the Historic Preservation Board shall continue the meeting as a special meeting to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be re-scheduled to the next Historic Preservation Board meeting. The Planning Director shall notify all Historic Preservation Board members of the date of the continued meeting.

B. Rules of Debate.

1. Question Under Consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to amend, to substitute, to adjourn, to lay on the table (i.e., to postpone indefinitely), to defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), or to continue to defer to a date certain until the question is decided. These types of motions shall have preference in the order in which they are mentioned above and motions to adjourn or to lay on the table shall be decided without debate. Final action upon a pending matter may be continued until a date certain or deferred to a date to be scheduled by the Planning and Zoning Director, or his/her designee, upon the vote of the majority of the members present. Upon the request of the County Attorney, or his/her designee, made prior to the final action on any matter, that the matter be deferred or continued to a future Historic Preservation Board agenda, the Historic Preservation Board shall consider said request and shall vote on whether to defer or continue the matter as requested.

2. Chairmanship. The Chairman may second any motion, or after relinquishing the chair, may make any motion. The Chairman shall not resume the chair until after the Historic Preservation Board has acted upon the matter under consideration when he/she relinquished the chair.

3. Discussion. Every member desiring to speak for a purpose shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate.
4. Interruption. A member, once recognized, shall not be interrupted when speaking, unless it is to call him/her to order or as herein otherwise provided. If a member, while speaking, is called to order, or if a question of person privilege is raised, the member who had the floor shall cease speaking until the question of order or privilege is determined by the presiding officer, and if in order, he/she shall thereafter be permitted to proceed. The ruling of the presiding officer on the point of order can only be overturned by a majority vote of the Historic Preservation Board present. A question of privilege for purposes of these procedures is defined as a pressing situation affecting a right or privilege of the Historic Preservation Board or an individual Historic Preservation Board member which permits interruption of pending business to state an urgent request or motion. Examples are the need to deal with disruptive noise, inadequate ventilation, or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof.
5. Public and Staff Comment. A member of County staff who addresses the Historic Preservation Board shall first identify himself/herself for the record and shall utilize the speaker's lectern or microphones made available for staff so as to allow his/her comments to be recorded. Each other person who addresses the Historic Preservation Board shall speak from the speaker's lectern and shall provide his/her name, address and whether he/she speaks for himself, a group of persons or a third party. Time restrictions on members of the public addressing the Historic Preservation Board as set forth below shall be kept by the Chairman of the Historic Preservation Board, or his/her designee.
 - a. Public Hearings.
 - (1) The Historic Preservation Board shall allow staff and public comments in matters requiring public hearings in the following manner:
 - (a) Initial Presentation by Staff. County staff shall make the initial presentation to the Historic Preservation Board regarding any item under consideration. The Historic Preservation Board may make inquiries of staff at this time.

(b) Proponents' Presentation. After staff presentation, the applicant(s), in a land-use matter, if any, shall be allowed up to a total of fifteen (15) minutes without interruption to make a presentation to the Historic Preservation Board. After presentation by the applicant(s), if applicable, proponents of the item or request, shall be allowed to speak based on the following criteria:

- i. Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and
- ii. All other persons shall be entitled to speak up to a total of three (3) minutes without interruption.

Unless the contest clearly indicates otherwise, Applicant(s) shall be considered to be "Proponents" for the purposes of these procedures.

(c) Historic Preservation Board and Staff Inquiry. After the Proponents' presentation, the Historic Preservation Board shall have an opportunity to comment or ask questions of, or seek clarification from the Proponent(s). The Historic Preservation Board may allow staff to comment, ask questions of, or seek clarification from the Proponent(s) at this time.

(d) Opponent's Presentation. After Historic Preservation Board and staff inquiry of the Proponents, Opponents of an item or request shall be allowed to speak based on the following criteria:

- i. Person who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and

ii. All other persons shall be entitled to speak up to a total of three (3) minutes without interruption.

- (e) Historic Preservation Board and Staff Inquiry. After the Opponent(s)' presentation, the Historic Preservation Board shall have an opportunity to comment or ask questions of or seek clarification from the Opponent(s). The Historic Preservation Board may allow staff to comment, ask questions of, or seek clarification from the Opponent(s) at this time.
- (f) Applicants' Rebuttal Presentation. Applicants' rebuttal shall be allowed only in land use items where there is an Applicant. After Historic Preservation Board and staff inquiry of the Opponents, the Applicant may be allowed an opportunity for uninterrupted rebuttal with the time limit therefor to be five (5) minutes unless otherwise set by the Historic Preservation Board. Rebuttal shall only address comments made in the Opponents' presentations.
- (g) Historic Preservation Board and Staff Inquiry. After Staff, Proponents and Opponents have made presentations as outlined above and the public comments portion of the hearing is closed, the Historic Preservation Board shall have a final opportunity to comment, or ask questions of any proponent or Opponent or staff member. The Historic Preservation Board may allow Staff to make such comments or inquiries of a Proponent or Opponent at this time.
- (h) Registration of Proponents or Opponents. Persons who desire to make presentations as Proponents or Opponents of an item shall, prior to the meeting at which such item is to be heard, register with the Director of Planning and Zoning, or his/her designee, on the forms provided, and shall provide such information as required to organize the agenda and order of presentation. Five (5) or more persons associated together as Proponents or Opponents of an item may be requested to select a spokes-person.

- (i) Limit on Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right and, in any event, such additional comments shall not be allowed until all other persons on the same side of the issue have had an opportunity to comment or make presentations.
- (j) Miscellaneous: Organizational or Group Speakers; Interruption for Inadmissibility.
- i. Prior to a person representing an organization or a group of people other than himself/herself speaks, that person shall indicate whom or what he/she represents and how he/she received authorization to speak on behalf of such organization or group of persons. The Historic Preservation Board or the County Attorney may make further inquiry into the represented authority of such person if necessary.
 - ii. Notwithstanding an provisions herein, the Chairman of the Historic Preservation Board or the County Attorney may interrupt and/or stop any presentation which discusses matters which cannot be considered in deciding the matter then before the Board for consideration.
- (k) Additional Time for Presentations. The Historic Preservation Board may allow, by majority vote of the members present, more than the allotted time for presentations by an Applicant, Proponent or an Opponent of an item, if the additional time is requested from the Director of Planning and Zoning, or his/her designee, in advance of the meeting. If more than a total of one-half ($\frac{1}{2}$) hour is requested by a Proponent or Opponent, the request must be received by the Planning and Zoning Department in writing not later than the day before the meeting at which the item is to be heard. Provided, however, even in the absence of a timely request for addi-

tional time to make a presentation, the Historic Preservation Board may grant such extension where, in its discretion, it is advisable to do so because of the considerations of law, equity or fairness.

- (2) Continued Public Hearings. In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be abbreviated and public comment may be limited to those persons who state under oath that they believe they cannot be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentations, if otherwise allowable, at any subsequent meeting.
- b. Non-Public Hearings. After staff presentation, each person speaking before the Historic Preservation Board shall be allowed a maximum of five (5) minutes to make comments regarding any matter before the Historic Preservation Board only if the Chairman allows comments on a matter not part of a public hearing. Extension of time for public remarks may be extended upon a majority vote of the Historic Preservation Board; however, such extension shall be established for a specific time period.
- c. Workshops. If appropriate, the Historic Preservation Board may establish time limits for persons speaking at workshops, if the Chairman allows comments on the matter.
- d. Termination of Presentations. At any Historic Preservation Board proceeding, the Chairman, unless overruled by a majority of the Historic Preservation Board members present, may restrict or terminate presentations which in his/her judgment are frivolous, unduly repetitive or out of order.

e. Written Comments. Applicants, Proponents and Opponents of any matter under consideration by the Historic Preservation Board shall be entitled to submit written comments for consideration by the Historic Preservation Board. Written comments submitted after said deadline shall be considered and entered into the record of the meeting in accordance with the provisions of Section V.B. herein.

6. Closing of Public Comment. For those matters in which public comment is heard by the Historic Preservation Board, the Chairman shall close the public comment portion of the meeting on that item upon the conclusion of the last appropriate speaker's comments or the expiration of the allowed speaking items as set forth above. No additional public comments shall be allowed, except in specific responses to questions by members of the Historic Preservation Board or if an extension of time for public comment is approved as set forth above.

7. Privilege of Closing Debate. The Historic Preservation Board member moving the adoption or rejection of the item before the Historic Preservation Board shall have the privilege of closing the debate.

C. Voting and Reconsideration.

1. Voting. The Historic Preservation Board shall be subject to Chapter 112, Part III, Florida Statutes. Unless otherwise provided by law, ordinance or statute, when the Historic Preservation Board has finished discussion and is ready to vote a question, the Chair shall call for the vote, and, except as provided in Paragraph IV.C.2 below, there shall be no further discussion by any member voting. Each member shall vote aye or nay and silence shall be considered an "aye" vote. After the vote, any member may give a brief statement to explain his/her vote, and such explanation should be consistent with the vote registered. A member shall have the privilege of filing with the Clerk a written explanation of his/her vote. The vote upon any question shall be by voice or hand vote unless the Chairman or any Historic Preservation Boarder requests a roll call vote be taken.

2. Preparation or Modification of Motions. Prior to a vote on any matter, a Historic Preservation Boarder may move to have Staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Historic Preservation Board's discretion, the public comments portion of the public hearing, if applicable, may be closed and Staff may be instructed to prepare the motion to be brought back to

the Historic Preservation Board for motion and vote at a subsequent meeting of the Historic Preservation Board. The County Attorney, the County Administrator, the Director of Planning and Zoning, or their respective designees, may request that motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.

3. Tie Votes. When the vote of the Historic Preservation Board is equally divided, the status quo ante shall be maintained, or recommended to be maintained, as appropriate.
4. Reconsideration. When a question has been decided by the Historic Preservation Board, a member of the Historic Preservation Board voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the Historic Preservation Board, provided that the matter which was the subject of the vote has not been considered by the Board of County Commissioners. If the question was decided by a tie vote, any member of the Historic Preservation Board may move for reconsideration of the question at the same meeting or at the next regular meeting of the Historic Preservation Board. Upon a finding by a majority of the Historic Preservation Board at any time that there is reason to believe that a previous vote of the Historic Preservation Board was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Any member of the Historic Preservation Board may move at any time for correction of clerical or typographical errors inadvertently included in any matter previously passed by the Historic Preservation Board.

V. THE RECORD.

- A. Automatically Included in the Record. The following documents shall automatically be included in the records of the Historic Preservation Board:
 1. Agenda packet or staff report.
 2. Letters or other documents previously entered into the record at a prior Historic Preservation Board meeting on the particular matter.

B. Items Which Shall be Placed in the Record. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Historic Preservation Board in support of, or in opposition to, an item to be considered by it shall be entered into the record, unless determined legally inadmissible by the County Attorney. These items shall be entered into the record by the Chairman without a vote unless there is objection by a Historic Preservation Board member, in which case, the item shall not be entered into the record unless there is a motion, and approval thereof by a majority of those present, to enter the item into the record.

C. Minutes, Approval and Distribution. The meeting must be recorded with minutes taken. A time for discussion of the minutes will be made available prior to their approval. The official minutes of each meeting shall be approved by the majority of the quorum present, signed by the Chairman or duly authorized Historic Preservation Board member.

A copy of the approved minutes of meetings shall be made available to:

1. Historic Preservation Board members
3. Director of Planning and Zoning Department
3. On file in the Clerk's Office for public inspection

D. Custodian. The Clerk of the Circuit Court in his/her capacity as Clerk to the Board of County Commissioners shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep transactions, findings and determinations. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Historic Preservation Board, and the vote of each member, or if absent, or, failing to vote, such fact. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.

E. Correction of Errors in the Record. In the event the Historic Preservation Board determines that there was an error, either of Historic Preservation Board or omission regarding the placement of an item into the record, any member of the Historic Preservation Board may move to correct such errors and such act of correction shall be done upon a majority vote of the members of the Historic Preservation Board.

F. Exhibits. Unless an oversized exhibit is absolutely essential by the Chairman, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.

- G. Substitution of Copies of Exhibits. A person submitting an exhibit for the Historic Preservation Board's consideration in support of, or in opposition to a pending matter, must file the original thereof with the Secretary. The Historic Preservation Board may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Secretary with an exact duplicate and, upon verification thereof, the Secretary may return the original to said person. Alternatively, the Secretary may, in his/her discretion, and at the expense of the person requesting the return of the original, make or arrange for the making, of a copy of the exhibit after which the original may be returned to the person requesting it.

VI. EFFECT OF THESE RULES OF PROCEDURE.

- A. Conflict With Laws. In any instance where the procedure established by these procedures is in conflict with state law, county ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.
- B. Roberts Rules of Order. In all cases not covered by these procedures, the most recent edition of Roberts Rules of Order shall be used as a general guide and may be followed by the Chairman, unless the Historic Preservation Board overrules him.
- C. Witnesses Sworn. These procedures do not modify R-86-106, and witnesses in public hearings shall be sworn in accordance with said R-86-106, unless and until said R-86-106 is amended or repealed.

VII. PUBLICATION.

Upon adoption of these procedures and any amendment hereof, the Planning and Zoning Director shall cause same to be published in a form suitable for distribution to the public. Copies shall be provided by the Director of Planning and Zoning to all persons who request them. Copies shall be available for review at all meetings of the Historic Preservation Board.

VIII. GENERAL.

- A. The Planning and Zoning Department and any other appropriate County Department shall provide the Historic Preservation Board with such information reasonably necessary to carry out its purpose and functions.

B. The Historic Preservation Board shall not, with the exception of advertising and clerical costs for meetings, incur any expenses or obligations to be paid or performed by the County, without the approval of the Board of County Commissioners.

IX. AMENDMENT.

These procedures may be amended only by subsequent Resolution adopted by majority vote of the entire Historic Preservation Board.

COPIES TO:

1- Rita, Planning
1- County Attorney

DATE 12-4-90

BY DW.