

Bylaws
Connecticut State Historic Preservation Review Board
DRAFT 11/20/20

Article I

Name and Purpose

Pursuant to 36 CFR 61.4 (f)¹ of the National Historic Preservation Act of 1966 as amended (54 U.S.C. 300101 *et seq.*; formerly 16 U.S.C. 470 *et seq.*) and Chapter 177b, Section 10-321q² of the General Statutes of Connecticut, there shall be established a State Historic Preservation Review Board (hereinafter referred to as the “Board” to provide expert judgments about the significance of historic cultural resources in Connecticut. The Board shall advocate the value and necessity of historic preservation as an integral part of the activities of every community in the State of Connecticut.

The duties of the Board shall include the following, which are prescribed by pertinent federal regulations, 36 CFR 61.4(f) (6) (i-iii) and the National Park Service *Manual for State Historic Preservation Review Boards*.³ The duties are as follows:

- A. Review and make recommendations on National Register of Historic Places nomination proposals;
- B. Participate in the review of appeals to National Register nominations and provide written opinions on the issues or matters of appeal; and
- C. Provide general advice and professional recommendations to the State Historic Preservation Officer and State Historic Preservation Office staff, in carrying out the state historic preservation program.

The Board may also provide preliminary opinions of National Register eligibility when requested by SHPO staff and review the continued eligibility of properties proposed for relocation or threatened by demolition.

Article II

Membership

The Board shall consist of ten members, each appointed by the State Historic Preservation Officer (the “SHPO”). Each such member shall serve for three years, except that one-half of members appointed between July 1, 2020, and June 30, 2021, shall serve a term of two years, as determined by the State Historic Preservation Officer. Board members may serve additional terms if reappointed by the SHPO. Appointments of Board members shall be made so as to satisfy the requirements of 36 CFR 61.4 (f) (1-3). The Board shall contain at least one expert professional from each of the following disciplines: history, prehistoric archaeology, historic archaeology, architectural history, and architecture. All members must have a demonstrated competence, interest, or knowledge in historic preservation.

- A. Any officer or other member of the Board may resign as such by filing a written resignation with the Chair or SHPO. Such a resignation shall take effect on being so filed or at such other time as may be specified therein.

¹ <https://www.ecfr.gov/cgi-bin/text-idx?SID=049f1f9562e072c158ad6e4a47d076a2&node=pt36.1.61&rgn=div5>

² https://www.cga.ct.gov/current/pub/chap_177b.htm

³ <https://www.nps.gov/nr/publications/bulletins/strevman/strevman1.htm>

Commented [SJ1]: SRB comment from 6/22/18: Change to “between 6 and 10” to make more flexible. This would require a change in the statutes. I am checking to see if I can add it to the current statute change request.

Commented [SJ2]: This text is pending approval of proposed changes to the CT General Statutes in the 2021 legislative session. The statutes currently require 1-year terms coinciding with the state fiscal year.

- B. The SHPO may remove from the Board any member who is absent for more than one meeting of the Board in any calendar year, or for any conduct by such a member constituting dereliction or misfeasance of duty as a Board member. In the case of removal from the Board, the SHPO will notify the member in writing.
- C. The SHPO may fill vacancies on the Board after a member resignation, regardless of the timing during the state fiscal year. When the vacancy results in the Board not having members who meet one of the required disciplines listed above, the SHPO shall make an effort to fill the vacancy immediately. If the five required disciplines are represented, the SHPO may fill the vacancy within one year. Priority shall be placed on searching for a Board member who supports historic preservation and enhances the diversity of the Board in terms of professional expertise and community representation.
- D. Changes in membership to the Board will be announced at the next regular public meeting and be recorded as part of the minutes. The SHPO will keep the list of Board members filed with the Secretary of State's office and posted on the SHPO website, up to date.

Article III Officers

- A. The officers of the Board shall consist of (1) a Chair and (2) a Vice-Chair, both of whom shall be designated by the SHPO, and who shall be members of the Board. State Historic Preservation Office staff may serve as secretary of the Board. The Chair and Vice-Chair cannot be the same person. The SHPO may appoint multiple Vic-Chairs, if beneficial for meeting efficiency.
- B. The respective duties of the officers of the Board shall be as follows:
 - 1. The Chairman shall conduct the meetings of the Board.
 - 2. The Vice Chairman shall act as Chairman in the absence of the Chairman.
 - 3. State Historic Preservation Office staff shall notify the public of all meetings of the Board; shall keep meeting minutes; and shall have charge of paper or digital files submitted to or prepared by members of the Board.

Commented [SJ3]: SRB comment from 6/22/18: Add more detail on filling vacancies, resignations, etc. Use the VA bylaws example.
Added above under membership

Article IV Meetings

- A. The Board shall meet at least three times per year, either in person or via remote conferencing. The typical meeting schedule is quarterly.
- B. When deemed necessary by the SHPO, said Officer may call a special meeting of the Board in accordance with the procedures and requirements of Section 1-225 of the General Statutes of Connecticut.⁴ Special meetings will not be called for agenda items that are regularly addressed during a quarterly schedule of meetings and are dependent on the availability of a majority of the Board members, all of whom serve on the Board in a volunteer capacity.
- C. In order to conduct business, a majority of the Board members holding office on the date of a meeting constitute a quorum and must vote to approve a nomination for listing in the National

Commented [SJ4]: SRB comment 6/22/18: Add a procedure for remote participation (for SRB, not the public). Include language regarding procedures in the case that teleconferencing is not successful due to technical issues. 2020- need remote conference procedures for all.

⁴ <http://www.ct.gov/foi/cwp/view.asp?a=4163&Q=489158>

Register in order for said nomination to be submitted by the SHPO to the Keeper of the National Register.

- D. The Board may, from time to time, designate two or more of its members to constitute a committee for any purpose. The committee must be established by a majority vote of the Board.
- E. Pursuant to CGS 1-200 and 1-225, the Board may hold an executive session upon an affirmative vote of two-thirds of the members present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200.
- F. The individuals who prepare National Register nomination forms are required to attend the Board meetings at which the forms they prepared are evaluated; their absence may be waived only with prior permission of the SHPO.
- G. All meetings, except for executive sessions will be open to the public. Members of the public may provide comment on action items on the Board's meeting agenda.
- H. Remote meetings may be held in lieu of in-person meetings, as long as the meeting is noticed as such at least 30 days prior with a teleconference number and online access, if applicable, so that members of the public may participate. A portion of the meetings held during a calendar year should be in person, except for circumstances in which a state of emergency is declared by the Governor of Connecticut. Remote meetings will involve the following procedures:
 1. The Chair (or Vice-Chair) takes a roll call of participating Board members to establish that a quorum is present. Board members may participate by phone or videoconference platform.
 2. The Chair (or Vice-Chair) opens the meeting, introduces the Board members participating to the public, and notes that the meeting will be recorded.
 3. The Board will follow regular meeting procedures for obtaining the floor, requesting Board comment, and opening public comment, except that all people speaking must announce their name and affiliation prior to speaking.
 4. The Chair (or Vice-Chair) will take a roll call to record votes on each action item.
 5. The meeting will be recorded and subsequently posted online for additional public access.

Article V

Public Notification of Meetings

In accordance with Section 1-225 of the General Statutes of Connecticut, the State Historic Preservation Office shall file with the Secretary of the State of Connecticut, not later than January 31 of each year, the schedule of regular meetings of the Board for the ensuing year. No regular meeting shall be held sooner than 30 days after the annual schedule is filed. Meeting agendas shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer. In addition, the Board's meeting schedule shall be sent to any person who requests the same in writing. Upon the affirmative vote of two-thirds of the members of the Board, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

Legal notification of Board meetings to owners of proposed National Register properties and to chief executive officers of municipalities in which such properties are located shall be given by the SHPO in accordance with 36 CFR 60.

Article VI **Parliamentary Procedure**

Except as otherwise provided by these Bylaws, all meetings of the Board shall be conducted in accordance with *Robert's Rules of Order*, as revised. However, the Board may elect alternative procedures to follow if announced at the beginning of the meeting.

Article VII **Procedural Guidelines**

The Board hereby adopts the Procedures for listing a property on the National Register in Connecticut as maintained by the SHPO on the SHPO website.⁵ For National Register evaluations, the Board additionally follows the National Register Federal Program Guidelines specified in 36 CFR 60⁶ and program guidance documents⁷ available from the National Park Service. The Board may adopt formal policies, upon a majority vote of a policy statement, signature of the SHPO, and posting of the policy statement on the SHPO website. National Register nomination appeals will follow the regulations provided in 36 CFR 60.12.

Commented [SJ5]: Add reference to new policy statements once adopted and posted online.

Article VIII **Ethics Policy**

The Board shall operate in accordance with the portions of the State Code of Ethics (CGS § 1-79 - 1-90a) applicable to public officials and the federal requirements contained in the National Park Service's *Manual for State Historic Preservation Review Boards*.⁸

Article IX **Conflict of Interest Policy**

Board members must avoid conflicts of interest (real and apparent) in their decision-making and are expected to be objective in their advice and decisions. Therefore, Board members cannot benefit directly or indirectly (either through financial or personal gain) from a decision in which they participate. Board members cannot review their own work, nor can they gain any advantage because of their position as Board members. These prohibitions apply to financial or personal gain for Board members, their families, employees, agents, partners, associates, etc.

Commented [SJ6]: The following section is an excerpt from the NPS SRB manual.

Whenever a real or apparent conflict of interest situation exists, it shall be declared by the Board member as soon as the conflict becomes apparent, but, at a minimum, before the issue or actions for which the conflict exists is acted upon or brought to resolution.

⁵ <https://portal.ct.gov/-/media/DECD/Historic-Preservation/How-to-list-a-property-on-the-National-Register-in-Connecticut.pdf>

⁶ <https://www.nps.gov/nr/regulations.htm>

⁷ <https://www.nps.gov/nr/publications/guidance.htm>

⁸ https://www.cga.ct.gov/current/pub/chap_010.htm

When a real or apparent conflict of interest arises, the person with the conflict situation must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process and neither vote directly, in absentia, nor by proxy in that matter. Those in a position to make a decision must be fully informed as to the possible conflict of the person(s) abstaining and recusing themselves. Board

Article X
Compensation

Board members are volunteers. No compensation shall be paid to members for their services and advice associated with State Review Board duties. The State Historic Preservation Office, within the Department of Economic and Community Development may provide parking and travel reimbursement and Board member training in accordance with state policies.

Article XI
Edits and Amendments to Bylaws

The Board shall review the bylaws at least every three years from the date of the last update. The Board may update portions of the bylaws and operating procedures as necessary, through a majority vote of Board members and input from SHPO staff. The bylaws and operating procedures should not contradict existing federal or state regulations. In cases of conflicting procedures, federal regulations shall be followed