



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701

(775) 887-2180

www.carson.org

www.carson.org/planning

MEMORANDUM

To: Historic Resources Commission

From: Jennifer Pruitt, Principal Planner

Date: January 13, 2011

Subject: HRC-10-112
HRC Qualification of Membership

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The HRC is a seven member commission that has been in operation with six commissioners for several months. The purpose of this item is to discuss the possibility of amending the Carson City Municipal Code (CCMC) 18.06.025 Qualification of Membership. The HRC is one of the few Carson City Commissions that have very specific criteria for membership pursuant to CCMC 18.06.025:

1. All members must reside in Carson City.
2. At least two members of the HRC must be professionally qualified as an architect or a design professional with experience in historic preservation.
3. At least one member of the HRC must be professionally qualified in building construction.
4. At least one member, but not more than two, shall be a professional in the field of historic preservation.
5. At least one member of the HRC must be a professional in the disciplines of archeology, anthropology, history or related professions.
6. At least one person who owns property and resides within the district must be included in the membership.

Over the Carson City Historic Resources Commission's 29 years history they have, unfortunately, utilized almost all of the professionals qualified as an architect or a design professionals with experience in historic preservation.

At this time the HRC will evaluate the possibility of requesting an amendment of the Qualifications of Membership with the State Historic Preservation Office, and amending the CCMC and HRC Rules and Procedures.

Attachments:

CCMC 18.06.025- Qualifications of Membership
HRC Membership-HRC Policy and Procedure Manual
Certified Local Government Guidelines

Chapter 18.06 Historic District

18.06.005 Title. This Chapter shall be known and may be cited in all proceedings as the Carson City Historic District Ordinance.

18.06.010 Purpose/Applicability. The purpose of this Chapter is to promote the educational, cultural and economic values of Carson City, and the health, safety and general welfare of the public through the preservation, maintenance and protection of districts, sites, buildings, and objects of significant historical, archaeological and cultural interest within Carson City.

Process-oriented standards are contained in this Section. Design-oriented standards are contained in the Development Standards which is parallel in authority to this Section.

18.06.015 Procedure for Proposed Project. Any proposed project to construct, alter, remodel, restore, renovate, rehabilitate, demolish, remove or change the exterior appearance of a building or structure; or to place signs, fences, or lighting; or to construct parking areas of site improvements; or which affects the exterior landscape features and spaces that characterize a property and its environment shall not be started without prior approval of an application submitted to the Historic Resources Commission (HRC) as provided for by this Chapter.

18.06.020 Historic Resources Commission (HRC). There is created a body to be known as the Historic Resources Commission (HRC) which shall consist of seven members appointed by the Board.

18.06.025 Qualifications of Membership.

1. All members must reside in Carson City.
2. At least two members of the HRC must be professionally qualified as an architect or a design professional with experience in historic preservation.
3. At least one member of the HRC must be professionally qualified in building construction .
4. At least one member, but not more than two, shall be a professional in the field of historic preservation.
5. At least one member of the HRC must be a professional in the disciplines of archeology, anthropology, history or related professions.
6. At least one person who owns property and resides within the district must be included in the membership.
7. The Board shall endeavor to include in the membership persons with demonstrated knowledge and interest in Carson City history and in design, finance, real property transactions, archeology or other matters likely to advance business of the HRC.

18.06.030 Duties of the HRC.

1. It shall be the duty of the HRC to serve as advisor to the Board in all matters concerning the identification, designation, preservation and enhancement of areas, sites and structures of historic significance in Carson City and take action on open space use assessments, National Register nominations, the survey and preservation of archaeological sites, and the survey and inventory of properties of historic significance and proposed projects governed by this Chapter.

BOS 12/02/04

7. Assist and advise other departments, agencies and commissions regarding historic preservation in Carson City.
8. Recommend to the BOS special recognition of outstanding examples of historic preservation in Carson City.
9. Assist the City in the evaluation of the historic designation criteria for applications to the Open Space Use Assessment. (CCMC Chapter 21.02)

B. HRC Membership

As established in Chapter 18.06, the HRC consists of seven voting members who are Carson City residents, and who collectively, are experienced in Carson City history, design, finance and real estate.

The BOS appoints seven members from the following groups:

1. At least two members of the HRC must be professionally qualified as a licensed or retired architect or a design professional with experience in historic preservation.
2. At least one member, but not more than two, shall be a professional in the field of historic preservation.
3. At least one member of the HRC must be professionally qualified in building construction.
4. At least one member of the HRC must be a professional in the disciplines of archaeology, anthropology, history or related professions.
5. At least one person who owns property and resides within the historic district must be included in the membership.
6. Because of Carson City's involvement with the National Park Service's Certified Local Government (CLG) program, it is required that a representative designated by the State Historic Preservation Office (SHPO) serve on the HRC.

The members are appointed by the BOS and serve without compensation for a four year term. The City advertises in the local newspaper for residents who are interested in serving on the HRC, and the BOS make their selection out of the applications received. No formal recommendations are made by HRC or the staff of the Planning Division.

Guidelines for Implementation of Certified Local Government Programs (CLG) in Nevada

Introduction

Since 1966 when Congress established a preservation program for the United States, the National Historic Preservation Program has operated as a decentralized partnership between the federal government and the states. In the simplest of terms, the federal government established a program of identification, evaluation, and protection of historic and prehistoric properties which the states, primarily, carry out.

The success of that working relationship prompted Congress to expand the partnership to provide for participation of local governments. The National Historic Preservation Amendments Act of 1980 (P.L. 96-515) provides that the federal-state-local government partnership involve, at a minimum: (1) responsibility for review and approval of nominations of properties to the National Register of Historic Places, and (2) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for certified local governments. The federal Act directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of these guidelines is to outline how the partnership will work in Nevada.

Requirements for Certification of Local Governments Programs in Nevada

The National Historic Preservation Act of 1966, as amended in 1980 (the Act), which establishes the Certified Local Government (CLG) program, contains five broad minimum requirements, all of which are to be met by a local government before that government may be certified. Federal requirements, as contained in the legislation and in federal regulations 36 CFR part 61, are further defined and amplified below to indicate the specific requirements that a Nevada local government must fulfill to be certified.

- A. To qualify for certification, a local government "must enforce state or local legislation for the designation and protection of historic properties".
 1. A qualifying local government must have a local historic preservation law or ordinance for the designation and protection of historic properties. The provisions of this ordinance must be consistent with the purposes of the Act and generally consistent with the state-enabling legislation, NRS 384. Certain particulars of the provisions in the state-enabling legislation, however, may be applied more broadly: for example, not only county governments, but any general purpose political subdivision, such as a city or town, may participate. Also, a local government may find it more logical

and appropriate to establish a historic preservation review commission before, rather than after, designating historic districts and individual historic properties.

2. A qualifying local government must have established a historic preservation review commission (the Commission) by ordinance. By that ordinance the Commission membership must meet certain qualifications (see Section B), and by that ordinance the Commission must have specific powers within the overall power of the local government, as specified below. The role and responsibilities of the Commission and of a qualifying local government in general must be complementary to and carried out in coordination with those of the SHPO as outlined in Section 36 CFR 61.4(b) of federal regulations.
 - a. The Commission may initiate the designation of local historic districts and individual historic properties.
 - b. The Commission shall review all proposed designations of historic districts and individual historic properties to ensure that all such designations are consistent with local survey (see Section C), and to ensure specifically, that all boundaries of designated districts and individual properties are clearly and appropriately delineated in conformance to the survey and to National Register criteria and guidelines where appropriate.
 - c. The Commission shall review and render decisions on the appropriateness of all proposed alterations to and proposed relocations of all structures or sites within the boundaries of locally designated historic districts. In rendering decisions, the Commission should use the Secretary of the Interior's Standards for Rehabilitation or standards that at least incorporate and/or are generally consistent with the Secretary's standards. When the Secretary's Standards are not used specifically, then the Commission must use standards that can be approved by the SHPO as being consistent, to a satisfactory degree, with the Secretary's Standards. The SHPO will offer advice to any local government or Commission on how its standards might be revised to achieve this requirement for consistency.
 - d. The Commission shall review and render decisions on the appropriateness of any proposed demolition within the boundaries of historic districts.
 - e. The Commission shall review and render a decision on the appropriateness of all proposed new construction within the boundaries of historic districts.

- f. It is strongly encouraged that the Commission also have review powers regarding the appropriateness of proposed alterations, relocations and demolitions that affect local historic properties, designated individually.
- g. In the review requirements set forth in Subsections c-f above, the Commission must specifically consider the effect of any such action on known or discovered archeological resources. The SHPO is available for consultation regarding any questions pertaining to archeological resources and will make every effort to provide assistance expeditiously in response to any request for consultation or any formal submission of plans or other information from a local government regarding any local actions that may impact (or, inadvertently, are impacting) archeological resources.
- h. All applications for review by the Commission should be approved or disapproved within 60 days of the receipt of all the information necessary for the Commission to render a fully informed and responsible decision. The Commission will develop and make readily available to applicants information and guidelines of the application materials necessary for submittal.
- i. Decisions of the Commission regarding the appropriateness of improvements in locally designated historic districts must be binding upon applicants, except when taken to appeal as outlined in NRS 384.210 or by similar provisions in local law or ordinance or in a general zoning ordinance.
- j. The local government shall not issue a building permit for work within the district unless a certification of appropriateness from the Commission accompanies the application. The local government shall prosecute violations of the terms of "certificate of appropriateness".

B. A qualifying local government shall have established "by state or local law an adequate and qualified historic preservation review commission".

Each certified local government shall have a Commission with a minimum of five members.

- 1. All members must have demonstrated interest, competence, or knowledge in historic preservation.
- 2. The appointing authority shall make every attempt to appoint as many members of the Commission as possible from among qualified professionals in the disciplines of history, archeology (historical or pre-historical), and architecture and architectural history.

3. At minimum, members of the Commission must include a representative designated by the SHPO and at least two qualified professional members from among the disciplines of history, archeology (historical or pre-historical), and architecture and architectural history.
 4. If the local government can demonstrate that it has made a reasonable effort to fill these professional positions, and that one or both of such qualified professionals are not available in the community, these positions may be filled by professionals in other historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology.
 5. If the local government can demonstrate that it has made a reasonable effort to fill these two professional positions by qualified professionals in any historic preservation-related discipline, and that such qualified professionals are not available in the community, the local government may still be certified. Such certification would be made at the discretion of the SHPO and may be based on the consideration of all factors surrounding the local government's potential participation in the program as a CLG.
 6. When a professional discipline is not represented in Commission membership, the Commission must seek expertise in this area when considering National Register nominations and other actions that will impact properties that are normally evaluated by a professional in such discipline. This may be accomplished through consulting with universities, private consultants, regional planning commissions, or by other means deemed appropriate by the SHPO.
 7. The terms of office of Commission members shall be governed by state law regarding advisory boards (NRS 232A.020) if the Commission or historic district are established by state law. If the Commission is established through local ordinance, the terms of office of commissioners shall be similar to that described by NRS 232A.020. Requests for reasonable exceptions shall be reviewed for approval by the SHPO.
 8. The State shall make available orientation materials and training to all local Commissions in order to help them acquire working knowledge of program standards, criteria, and guidelines and of the procedures, roles, and operations of federal, state, and local historic preservation programs.
 9. It is the responsibility of the Commission to participate in orientation and training conducted or recommended by the SHPO regarding National Register Programs and related activities.
- C. A qualifying local government shall "maintain a system for the survey and inventory of historic properties".

1. A qualifying local government must have a complete survey in conformance to National Park Service and SHPO standards, or must be working toward such a survey of historic properties and archeological sites within its entire area of jurisdiction.
 2. A qualifying local government's survey and inventory effort must be coordinated with and complementary to those of the state.
 3. A qualifying local government must consult the SHPO regarding the guidelines that must be used for local survey and inventory systems that will ensure that such systems, and the data they produce, can be readily integrated into the statewide comprehensive historic preservation planning and other appropriate planning processes.
 4. All survey and inventory data must meet specific requirements.
 - a. Data must be in a format that is compatible and consistent with the Nevada Historic Preservation Plan.
 - b. Property evaluation must be based on the National Register criteria as defined in 36 CFR Part 60 and supporting guidance materials.
 - c. Data must be accessible to the public, except with regard to sensitive information on the location of archeological sites.
 - d. Data must be updated periodically.
 5. The system for the survey and inventory of historic properties will be reviewed annually by the SHPO.
 6. Survey and inventory data shall be used as the basis for all local designations of historic districts and individual properties, including the delineation of boundaries, unless already designated by law or ordinance.
 7. A detailed inventory of designated districts, sites, and/or structures under the specific jurisdiction of the local government and specifically of its Commission must be maintained.
- D. A qualifying local government shall "provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register".
1. All meetings of commissions shall adhere to the Nevada Open Meeting Law (NRS 241) and encourage public reaction and comment on activities.
 2. Commission meetings must occur at regular intervals at least six times a year.

3. Careful minutes of all actions of the Commission must be kept on file and available for public inspection.
 4. All decisions by the Commission shall be made in a public forum.
- E. A qualifying local government shall "satisfactorily perform all the responsibilities delegated to it under the Act".
1. A qualifying local government shall meet, maintain, and fulfill all of the requirements, both general and specific, set forth in Sections A through D above, and perform all responsibilities required therein.
 2. A qualifying local government shall participate in the process of nominating properties to the National Register of Historic Places consistent with the requirements contained in Section 101(c)(2) of the National Historic Preservation Act.
 - a. CLG participation in the nomination process cannot include the authority to nominate properties directly to the National Register.
 - b. Before a property within the jurisdiction of a CLG may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the SHPO shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The Commission, after discussing the nomination in an open meeting at which the public has the opportunity to comment, shall prepare a report as to whether such a property, in its opinion, meets the criteria of the National Register. Within 60 days of notice from the SHPO, the chief elected official shall transmit the report of the Commission and her or his recommendation to the SHPO. After receipt of such report and recommendation (except as provided in Subsection 'c' below), or if no such report and recommendation are received within 60 days, the State shall make the nomination pursuant to required procedures. The State may expedite such process with the concurrence of the CLG.
 - c. If both the Commission and the chief elected official recommend that a property not be nominated to the National Register, the SHPO shall take no further action unless within 30 days of the receipt of such recommendation to the SHPO, an appeal from the public or any agency is filed with the State. If such an appeal is filed, the State shall continue with nomination procedures.
 - d. Any report and recommendations made under these regulations shall be included with any nominations submitted by the State to the Secretary (see Section D).

3. A qualifying local government must work toward the nomination of eligible properties to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended.
4. A qualifying local government, and specifically its Commission, shall assist the SHPO in providing information on the National Register programs. In particular, this may include but not be limited to, assisting in the preparation of National Register nominations, assisting in interpreting and/or disseminating information on the Secretary of the Interior's Standards for Rehabilitation, National Register criteria, appropriate historic preservation techniques, etc.; and providing information on program procedures and appropriate referrals.

Process for Certification of Local Governments in Nevada

A state may begin certification of local governments as soon as the state's proposed certification process is approved by the Secretary of the Interior.

- F. The chief elected official of the local government shall request certification from the Nevada SHPO. The request for certification shall include:
 1. A written assurance by the chief elected official that the local government meets and will fulfill and maintain all the standards for certification outlined above in Requirements for Certification of Local Government Programs in Nevada.
 2. A list and accompanying maps and surveys of the areas already designated as historic districts or of individual designated sites. In addition, the State requires on-going information for all future surveys and designations submitted within 60 days of such designation.
 3. A copy of the local historic preservation law or district ordinance.
 4. Resumes of each of the members of the historic preservation review commission including, where appropriate, credentials or documentation of member expertise in fields related to historic preservation.
- G. The SHPO shall respond to the chief elected official within 45 days of receipt of an adequately documented, written request. The request for certification from the local government will be judged in view of the nature of its existing historic preservation program and by its ability to meet the requirements of the certified local government program. When a local government certification request has been approved by the State, the SHPO shall prepare a written certification agreement that lists the specific responsibilities of the local government when certified. These responsibilities will include those listed above in "Requirements for Certification of Local Government Programs in Nevada". The approved

request and the certification agreement will be forwarded to the Secretary by the State. If the Secretary does not take exception to the request within 15 working days of receipt, the local government shall be regarded as certified by the Secretary.

Process for Monitoring and Decertification of Certified Local Governments in Nevada

- H. The SHPO shall conduct annual reviews and audits of certified local governments to ensure that each local government is fulfilling the program requirements. In addition, the SHPO will monitor the certified local government by periodical review of the program and by attendance of a representative at commission meetings. The certified local government shall provide the SHPO with an annual report detailing preservation activities, accomplishments, expenses, and proposed budget for the next year. The certified local government will also make the records of the administration of funds allocated from the Historic Preservation Fund (HPF) and any other requested and/or pertinent records available to the SHPO.
- I. If the SHPO evaluation indicates that the performance of the certified local government needs improvement, the SHPO shall document that assessment and recommend to the local government steps to bring its performance up to an acceptable level. To meet this end, the SHPO shall provide advice and assistance to the local government. The certified local government shall have a period of not less than 30 days, nor more than 180 days to implement improvements. If the SHPO determines that sufficient improvement has not occurred, the SHPO shall recommend decertification of the local government to the Secretary of the Interior citing specific reasons for the recommendation.
 - 1. Standards by which the performance of the certified local government will be evaluated include:
 - a. Funding projects which are inconsistent with the Nevada Historic Preservation Plan, including the archeological component to the Plan, or with directives from the Secretary;
 - b. Failure to comply with the State grants manual and/or the Office of Management and Budget (OMB) Circular A-102, Attachment G, Standards for Grantee Financial Management Systems;
 - c. Failure to maintain a qualified commission;
 - d. Failure to work toward the completion of a survey;
 - e. Failure to implement adequate standards when evaluating demolition, alterations, or new construction within the district or districts; and

- f. Failure to meet any of the other requirements for certification of local government programs in Nevada outlined in these regulations.
 - 2. When decertification occurs, the SHPO will suspend and terminate financial assistance to the local government under the certified local government grant. The procedures for this suspension will follow those specified in The National Register Programs Manual and its supplements. It is the SHPO's responsibility to conduct financial assistance close-out procedures as specified in the Manual when a local government is decertified.
- J. Certified local governments may petition the SHPO to be decertified voluntarily and without prejudice.

Allocation Formula and Procedure

In order to be eligible to receive a portion of the local share of the Historic Preservation Fund allocation to Nevada, the Department of Interior requires that each certified local government:

- K. Shall have adequate financial management systems which;
 - 1. Meet federal standards in the OMB Circular A-102, Attachment G, Standards for Grantee Financial Management Systems;
 - 2. Are auditable in accordance with General Accounting Office's Standards for Audit of Governmental Organization, Programs, Activities, and Function; and
 - 3. Are annually evaluated by the SHPO in accordance with OMB Circular A-102, Attachment P, Audit Requirements, or with whatever requirements OMB may substitute.
- L. Adhere to all requirements of The National Register Programs Manual and its supplements. Indirect costs may be charged as part of the certified local government grant only if the certified local government meets the requirements of the Manual. The SHPO will advise the certified local government on The National Register Programs Manual; and
- M. Adhere to any requirements mandated by Congress pertaining to the HPF. The Secretary will advise the State of any such requirement. The SHPO will, in turn, inform the certified local government.

The Nevada SHPO is prepared to assist all local governments in developing and implementing financial management systems which meet the requirement listed above. A share of the HPF allocation to Nevada will be available to certified local governments on a 50/50 matching basis for historic preservation activities and

projects. (At present, federal law provides that at least 10% of the HPF allocation to Nevada be set aside for transfer to certified local governments. At such time as Congress may appropriate more than \$65 million to the HPF, one-half of the excess will also be transferred to the certified local governments according to procedures provided by the Secretary of the Interior.) The State may transfer more than 10% unless otherwise prohibited. All certified local governments shall be eligible to receive funds from the certified local government share of the State's total HPF grant award. The State is not required to award funds to all governments that are eligible to receive funds. The intent is to use HPF assistance to augment, rather than replace, existing local commitment to historic preservation activities. Certified local governments may participate in the review and approval of the National Register nominations whether or not they elect to apply for HPF transfer funds.

Certified local governments receiving HPF grants from the certified local government share will be considered subgrantees of the State. The certified local government requirements shall be included in the State's required written grant agreement with the local government. Transferred funds will not be applied as matching share for any other federal grant. Any State-directed specific uses of funds are to be activities that are eligible for HPF assistance and are to be consistent with the State comprehensive historic preservation planning process.

The State will award funds on a competitive basis to certified local governments. The amount awarded to any applicant will be sufficient to accomplish specific goals. The State will ensure that there is a reasonable distribution between urban and rural areas in the state. The State will also distribute funds among the maximum number of eligible local governments possible while still ensuring that the funds allocated are sufficient to achieve a specific impact. The requirement for tangible results may not be waived, even if there are too many otherwise eligible applicants for the amount set aside for the certified local government share. The State will ensure that there is a reasonable distribution in all areas of the state and that no certified local government receives a disproportionate share of the allocation. The State will make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

Certified local government application for funds will be guided by the following timetable:

1. The Department of the Interior notifies the SHPO of the projected annual allocation (planning figure).
2. Within 30 days of receipt, the SHPO will notify certified local governments of amounts of funds available.
3. Within 60 days of receipt of notification, interested certified local governments will send applications to the SHPO.

- 4, Within 30 days after the SHPO receives formal obligations of funds from the Department of the Interior, the SHPO will notify local governments of grant awards.

The SHPO will award funds on a competitive basis to certified local governments based on the following priorities:

1. Administration of local preservation programs with emphasis on completion of survey.
2. Administration of local preservation programs with emphasis on completion of National Register nominations.
3. Administration of local preservation programs with emphasis on high priority items outlined in the Nevada Historic Preservation Plan.

In addition, the SHPO will evaluate all proposals based on the following criteria:

1. Clearly stated and specific goals that are realistically attainable within the funding period.
2. Demonstration of an understanding of state and local preservation priorities, including efforts to advance the identification, evaluation, and protection of prehistoric and historic properties significant to Nevada's prehistory and history, and efforts to ensure maintenance of these properties.
3. Assurance of acceptable matching share (50%).