

**Bylaws of the
Board of Preservation**

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- *Section 2.26. Creation of Agencies, Authorities, Committees, Boards, Commissions, and Districts.*
- *Section 2.26.1. Rules for Boards and Commissions.*

Article I. Constitution

Provisions for establishment of the Board of Historic Preservation, also known as the Board of Preservation (hereinafter BOP), are provided in Ordinance No. 14-86 as adopted by the Sioux Falls City Commission on February 10, 1986, as incorporated under the laws of the State of South Dakota.

Article II. Membership and Appointment

Section 1. Membership is drawn from the community with due regard to proper representation of such fields as history, architecture, urban planning, archaeology, and law. Board members are appointed by the Mayor. The Board shall consist of a maximum of ten members who serve three-year terms for a maximum of two terms. Appointees may not serve more than two consecutive full or partial terms. Sec. 2-26.

Section 2. The Board shall include at least two members who are professionals from the disciplines of history, architectural history, architecture, urban planning, American studies, American civilization, cultural geography, cultural anthropology, archaeology, or law. The Board shall include at least three members who are nonprofessional members and represent a demonstrated interest, experience, or knowledge in historic preservation.

Section 3. Any member may withdraw from the Board of Preservation by giving written notice to the Mayor or the chairperson of the Board. The Mayor shall act within 75 days to fill any vacancy which may occur. Any vacancy in the membership of the Board of Preservation shall be filled in the same manner as for appointment.

Section 4. Each member appointed shall receive orientation materials regarding, at a minimum, the form of city government, the City Conflicts of Interest ordinance, the state open meeting laws, and the basic rules of parliamentary procedure.

Section 5. In the event that a member has three consecutive unexcused absences or five absences in a calendar year, the member's position on the Board will be reviewed by the Mayor.

Article III. Officers and Duties

Section 1. The officers of the Board of Preservation shall consist of a chairperson, a vice chairperson, and recording secretary.

Section 2. The chairperson supervises the conduct of the Board of Preservation's business and activities; serves, ex officio, on all committees; presides at meetings; signs all acts or orders necessary to carry out the will of the Board; and may act as the representative of the Board to outside persons and other organized Boards as necessary.

Section 3. The vice chairperson has the full powers of the chairperson in his (her) absence. In the absence of the chairperson, however, the vice chair cannot change rules and does not serve as an ex officio member of committees.

Section 4. The recording secretary serves as clerk for the Board of Preservation and carries out the official correspondence of the Board. The recording secretary may be the same individual as the official liaison person to Mayor.

Section 5. If the chairperson and the vice chairperson are absent, City Planning office staff shall call the meeting to order and preside.

Section 6. Committees may be appointed by the chairperson as voted by the Board, as needed. Upon receipt of a written request, the chairperson may appoint a crisis committee without a vote of the Board to write a letter of advocacy for an endangered building or site.

Article IV. Election of Officers and Designation of Committees

Section 1. The chairperson, vice chairperson, and recording secretary of the Board of Preservation shall be elected annually by Board of Preservation members at their May meeting and installed at the June meeting, assuming their duties immediately.

Section 2. No officer shall be elected for more than two consecutive years. After the lapse of one year, he (she) may be elected again to the same office.

Section 3. All committees shall be designated upon motion of the Board. The duties of the committee shall be specified in the motion. Its activities shall be limited to the purpose for which they were created, and after performing, its service ceases to exist.

Article V. Staff of the Commission and Their Duties

Section 1. City Planning Office staff shall serve as the liaison person between the Mayor and the Board of Preservation.

Article VI. Meetings

Section 1. The Board of Preservation shall schedule at least 12 meetings a year. The chairperson of the Board may cancel or postpone a meeting. Meeting dates for the following year shall be set on the last meeting date of each calendar year.

Section 2. A quorum as defined in Article IX shall be required for transacting official business of the Board.

Section 3. Special meetings of the Board of Preservation may be called at any time by the chairperson or two members.

Section 4. The members of the Board of Preservation shall be notified at least five days in advance of the time and place of regular and special meetings.

Section 5. All regular and special meetings of the Board of Preservation shall be open to the public.

Section 6. Unless otherwise specified, *Roberts Rules of Order, Revised*, shall guide the proceedings at meetings of the Board of Preservation.

Article VII. Order of a Regular Meeting or Public Meeting

1. Call to order and determination of quorum.
2. Approval of agenda, including the minutes of the previous meeting.
3. Public input on nonagenda items (five-minute comment period per individual).
4. Business of the Board.
5. Other business.
6. Adjournment.

Article VIII. Form and Character of Motions

Section 1. The form and character of motions shall conform to those offered within *Robert's Rules of Order, Revised*, except as specified below.

Upon review of the full public record and due deliberation among the members of the Board of Preservation, any of its members, except the chairperson, may make a motion.

The motion shall include approval, approval with specified conditions, denial, or another action, and preferably a recitation of findings which support the motion.

A second.

A motion shall die for lack of second.

Article IX. Quorum and Voting Requirements

Section 1. In order for the Board to conduct business or take any official action, a quorum of the Board shall be present. A quorum of the Board of Preservation shall consist of five members present. In situations where a quorum may not exist due to vacancies which have not been filled, a quorum may consist of 50 percent of those presently appointed members.

When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Board may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting.

Section 2. All present members shall have one vote on items of official business, except for the chairperson.

Section 3. A majority of the members present shall be required to pass a motion.

Section 4. The chairperson shall cast a tiebreaking in the event of a tie.

Section 5. Abstention from voting shall not be counted in the determination of a motion but shall be recorded.

Article X. Instruments and Documents

Section 1. The official instruments of the Board of Preservation are the record of notice, the agenda, and the minutes of hearings and meetings.

Section 2. All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, maps, photographs, staff reports, minutes of hearings and meetings shall constitute the documents of the Board of Preservation and shall be indexed as a matter of public record and be maintained in the City Planning office.

Section 3. An agenda shall be prepared and posted in advance of all meetings. The agenda shall consist of the time and place of the meeting and specific descriptions of the topics to be discussed.

Section 4. A set of minutes shall be kept and filed with the City Clerk. Minutes shall contain a record of attendance, actions taken, numerical results of votes taken, and specific descriptions of items discussed.

Section 5. All records, files, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the *Freedom of Information Act*.

Article XI. Letters of Advocacy

Section 1. Upon receipt of a written request, the chairperson of the Sioux Falls Board of Preservation may appoint an emergency committee to write a letter of advocacy for a building or site in need of immediate action.

Section 2. The committee shall consist of two Board members, appointed by the chairperson, with staff and the chairperson serving as ex officio members.

Section 3. The letter of advocacy will comment only on an issue as it pertains to preservation:

- a. Provide information on the historical significance of the property to the City Commission or other local governmental bodies, or
- b. Recommend to the Board of Appeals exemptions from the Uniform Building Code relating to exterior features of structures designated as having historical or architectural significance.

Section 4. The letter of advocacy will be signed by the chairperson of the Board of Preservation. If there is a conflict of interest, the chairperson shall designate the vice-chairperson or recording secretary to sign the letter.

Section 5. The topic will be placed on the agenda, and a copy of the letter shall be presented to the Board at the next monthly meeting.

Article XII. Conduct of the Members

Section 1. If, during discussion or a vote on any agenda item, the topic is in conflict of interest with one of the Board members, that Board member will make the other Board of Preservation members aware of the possible conflict of interest, may remove himself (herself) from the discussion, and shall abstain from voting.

Section 2. All contracts between a Board member and the Sioux Falls Board of Preservation involving CLG funds shall be approved by the State Historical Preservation Center. In addition, all reports submitted by a Board member who is a contractor with the Board of Preservation shall be approved by the State Historical Preservation Center prior to payment.

Article XIII. Conduct of Persons Before the Commission

Section 1. During all public meetings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the Board of Preservation.

Section 2. At the beginning of each public meeting, and as necessary during the meeting, the hearing rules shall be presented to the public. These rules are therefore presented publicly and enforced by the chairperson for each agenda item.

Section 3. During all regular and special meetings and working sessions of the Board, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.

Section 4. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the Board to “disregard” the comment, which nevertheless remains in the public record.

Section 5. During all Board of Preservation proceedings, members of the public have the obligation to remain in order. Any conduct which interferes with the equitable right of another to provide comment or which interferes with the proper execution of Board affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” from the Board of Preservation meeting or session. Where the person fails to comply with the successful motion to eject, the chairperson may then call proper authority to physically remove the individual from the chamber for the duration of the meeting or deliberation on that item.

Article XIV. Amendment

Section 1. These bylaws may be amended or new bylaws adopted at any regular or special meeting of the Board of Preservation.

Section 2. An amendment or new bylaw requires a two-thirds vote of the members present and voting.

Section 3. The amended or new bylaws shall go into effect after a period of 30 days has elapsed.