

City of Villa Rica, Georgia Historic Preservation Commission Bylaws

Adopted March 14, 2017
Amended October 23, 2018

ARTICLE I Authorization

The Villa Rica Historic Preservation Commission (hereinafter referred to as the "Preservation Commission") has been created pursuant to the Georgia Historic Preservation Act, O.C.G.A. Section 44-10-21, and a local historic preservation ordinance adopted by the City of Villa Rica, and shall be governed by the terms thereof.

ARTICLE II Purpose

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Villa Rica is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The Villa Rica City Council hereby declares it to be the purpose and intent of this ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the

**ARTICLE III
Organization**

Section 3.01: Appointment by City Council

Members of the HPC shall be appointed by the City Council Mayor and ratified by the City Council.

Section 3.02: Number of Members

The HPC shall have (6) Members. To the extent available in the City, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

Section 3.03: Member Terms

Each Member shall have a term of office for three (3) years, or until their successor shall be appointed. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years and three (3) members for three (3) years. Members may not receive a salary, but may be reimbursed for expenses.

Section 3.04: HPC Officers

(a) The officers of the HPC ("HPC Officers") shall consist of a Chairman and Vice-Chairman.

(b) HPC officers shall be elected by a majority vote of the members at the first regular meeting following their appointment and thereafter in June of each year.

Section 3.05: HPC Officers Term of Office

(a) HPC Officers shall serve for a term of one year and shall be eligible for re-election.

(b) Officers who fail to fulfill their duties and have three consecutive absences without notice from regular HPC meetings shall be considered to have vacated that office.

Section 3.06: HPC Officer Vacancies

(a) In the event of a vacancy in the office of Chairman, the Vice-Chairman shall serve as Chairman until the members elect a new Chairman. The newly elected Chairman shall serve as Chairman until the first regular meeting of the subsequent calendar year.

- (b) In the event of a vacancy in the office Vice-Chairman, the Members shall elect a new Vice-Chairman. The newly elected Vice-Chairman shall serve as Vice-Chairman until the first regular meeting of the subsequent calendar year.

Section 3.07: Officers' Duties

- (a) Chairman, whose duties include chairing all meetings of the HPC and acting as a representative of the HPC in functions requiring such representation.
- (b) Vice-Chairman, who shall assume all duties outlined for the Chair in his/her absence.

Section 3.08: Resignation

- (a) A Member wishing to resign from the HPC shall submit their letter of resignation, in writing, to the City Manager.
- (b) A Member resigning from the HPC must expressly state whether the resignation is with immediate effect or provide a date the resignation will take effect.
- (c) Upon receipt of a Member's resignation, the City Manager, or its designee, shall notify the City Council in order to initiate the process by which the City Council may appoint a new Member.

Section 3.09: Secretary

- (a) The Secretary is a non-voting staff representative of the HPC and shall be an employee of the City as designated by the City Manager or its designee.
- (b) The Secretary's duties include recording the minutes at meetings of the HPC, presenting said minutes to the HPC for review and acceptance by the HPC, and maintaining HPC records, and providing notice of meetings in accordance with the Villa Rica City Code and state law.

**ARTICLE IV
Meetings**

Section 4.01: Regular Meetings

- (a) Regular meetings shall be held on the third Tuesday of the month, unless such day falls on a city observed holiday, in which event the regular meeting for that month shall be postponed to the following month at the same hour and place. Regular meetings may be canceled at the discretion of the Chairman or at the request of staff.

- (b) Meetings of the HPC shall be held in the Holt-Bishop Justice Center, located at 101 Main Street, Villa Rica, GA 30180, or such other place as designated by the HPC.

Section: 4.02 Agenda

- (a) Items may be placed on the agenda by the Secretary or a Member.
- (b) Items may be placed on the agenda in accordance with the application process by the public, an applicant, or a stakeholder pursuant to the Villa Rica City Code or applicable state law.
- (c) Staff will make the initial presentation of the agenda item then the party, the individual, or the party or individual's representative requesting action on the agenda item will make their presentation.
- (d) Items included on the agenda must be submitted to the Secretary in accordance with timelines, deadlines, policies, or procedures of the City, the Villa Rica City Code, or applicable state law.
- (e) Agenda packets for regular meetings will be provided to the Members five (5) calendar days in advance of the scheduled HPC meeting.

Section 4.03: Special Called Meetings

The Chairman, Secretary, or at least a quorum of the HPC may, when deemed necessary, call special meetings of the HPC.

Section 4.04: Quorum

- (a) A quorum is required for the purpose of transacting all business of the HPC.
- (b) A quorum shall consist of three (3) Members. The affirmative vote of the majority of the Members present shall be required before the HPC shall approve or deny an item.
- (c) If a quorum is not present or represented at any meeting of the HPC, a majority of the Members entitled to vote at that meeting, and present in person, may adjourn the meeting, until a quorum shall be present or represented.

Section 4.05: Call to Order

- (a) HPC meetings will be called to order by the Chairman, or if absent, by the Vice-Chairman.
- (b) In the absence of both the Chairman and Vice-Chairman, the meeting shall be called to order by the Secretary, and a temporary Chairman shall be elected to preside over the meeting.

Section 4.06: Notice

- (a) Written or electronic notice of every meeting of the HPC stating the place, date, and hour of the meeting, shall be given either personally or by mail to each Member not less than fourteen (14) calendar days before the date of the meeting.
- (b) Public notice of HPC meetings shall be provided in accordance with the provisions of the Georgia Open Meetings Act, the Zoning Procedures Act, and other applicable policies or procedures of the City of Villa Rica, the Villa Rica City Code, or state law.
- (c) All HPC meetings and deliberations shall be open to the public, except for properly noticed closed session matters, and shall be conducted in accordance with the provisions of the Georgia Open Meetings Act and other applicable policies or procedures of the City of Villa Rica, the Villa Rica City Code, or state law.

Section 4.07: Attendance

- (a) HPC Members are required to attend HPC meetings and be prepared to discuss the issues on the agenda.
- (b) A Member shall notify, in writing, the Secretary or Chairman if the Member is unable to attend a meeting. The written notice must be received prior to the commencement of the meeting.
- (c) A Member who fails to fulfill their duties and has three consecutive absences, without written notice, from regular HPC meetings may be recommended to the City Council for removal from the HPC by a vote of the HPC.

Section 4.08: Voting

- (a) Each Member shall at every meeting of the HPC be entitled to one vote.
- (b) No Member may vote by proxy.
- (c) When a quorum is present at any meeting, the vote of a majority of the HPC Members present in person decides any question brought before such meeting, unless the question is one upon which the express provisions of law or these Bylaws require a different vote, in which case such express provisions shall govern and control the decision of the question.

Section 4.09: Public Hearing

- (a) All public hearings shall be in accordance with the Open Meetings Law and other applicable state law.

- (b) A person wishing to address the HPC must sign up to speak. Sign-up sheets will be available and should be submitted to the Secretary prior to the start of the meeting. If any written materials are to be provided to the HPC, a copy shall also be provided immediately to the Secretary for inclusion in the minutes of the meeting.

Section 4.10: Closed Sessions

The HPC may conduct closed sessions as allowed by law, on properly noticed closed session matters, such as consultation with attorney on legal matters, deliberation regarding the value of real property, competitive utility matters, and economic development negotiations.

Section 4.11: Outside Resources

In the event the HPC is in need of outside resources for the consideration of any item before it, the City Staff shall act as a liaison to arrange for the provision of such outside resources.

**ARTICLE V
Miscellaneous**

Section 5.01: HPC Orientation, Continuing Education & Training

- (a) All new members of the HPC shall participate in an orientation program familiarizing themselves with the goals and objectives of the program and with their responsibilities.
- (b) Members shall participate in such continuing education or training program, as recommended by the City staff or required by the City Council.

Section 5.02: Preemption by the Villa Rica City Code, State Law, or Federal Law

Where the provisions of these Bylaws are in conflict with the policies or procedures of the City of Villa Rica, the Villa Rica City Code, state law, or federal law, then the policies of procedures of the City of Villa Rica, the Villa Rica City Code, state law, or federal law shall preempt the application or enforcement of these Bylaws.

**ARTICLE VI
Books and Records**

Correct books of account of the activities and transactions of the HPC shall be kept by the Secretary. These shall include a minute book, which shall contain a copy of these Bylaws and all minutes of meetings of the HPC, applications, supporting materials, agendas, and agenda packets.

ARTICLE VII
Code of Ethics and Prohibited Practices

Section 7.01: Conflict of Interest

No HPC Member shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or which would tend to impair their independence of judgment or action in the performance of their official duties;
- (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties, or would tend to impair their independence of their judgment or action in the performance of their official duties;
- (c) Disclose confidential information concerning the property, government or affairs of the governmental body for which they serve without proper authorization, or use such information to advance the financial or other private interest of themselves or others;
- (d) Accept any valuable gift in excess of \$25.00, whether in the form of service, loan, thing, promise, from any person, firm or corporation which to their knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body for which they serve; provided, however, that a HPC Member who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (e) Represent private interest in any action or proceeding against the governmental body for the HPC Member serves;
- (f) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which they have a financial interest.

Section 7.02: Disclosure

Any HPC Member who shall have any private financial interest, directly or indirectly, in any matter pending before or within the HPC shall disclose such private interest to the HPC and such disclosure shall be entered on the records of the HPC and they shall disqualify themselves from participating in any decision or vote thereto.

Section 7.03: Invalidity of a Vote

If a HPC Member votes on an item in which the HPC Member has a conflict of interest the HPC Member's vote shall be voided.

Section 7.04: Use of Public Property

No Member shall use property owned by such governmental body for personal benefit, convenience or profit except in accordance with policies or procedures promulgated by the City of Villa Rica.

Section 7.05: Political Activities of HPC Members

No HPC Member shall continue to serve on the HPC upon being sworn in to any elective city office and that Member shall be deemed to have resigned effective upon the Member's swearing in to elective city office.

Section 7.06: Penalties for Violation

Any HPC Member who willfully conceals such financial interest or willfully violates any of the requirements of this Article shall be subject to penalty as prescribed by Section 2-189 of the City Code of Ordinances.

**ARTICLE VIII
Amendments**

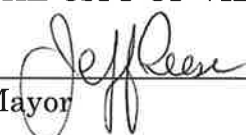
The HPC shall recommend to the City Council any alteration, amendment, or repeal of these Bylaws or the adoption of new Bylaws by a quorum vote at a duly called meeting of the HPC. Bylaw alterations, amendments, or repeal are not effective until approved by City Council.

Approved and adopted at a meeting of the Villa Rica City Council on the 23 day of October, 2018.

ATTEST:


City Clerk

THE CITY OF VILLA RICA



Mayor

Approved and adopted at a meeting of the HPC on the 16th day of October, 2018.

ATTEST:


HPC Secretary

THE CITY OF VILLA RICA, GEORGIA
HISTORIC PRESERVATION COMMISSION


HPC Chairman