

Baltimore City Commission for Historical and Architectural Preservation
RULES OF PROCEDURE

Foreword

These rules of procedure were created to assist the Baltimore City Commission for Historical and Architectural Preservation, its staff and other city agencies in the expedient conduct of all matters of interest and concern to the Commission.

Objective

The Baltimore City Commission for Historical and Architectural Preservation endeavors to conduct all business according to law or custom to assure the preservation of present and future use of historic resources within Baltimore City's jurisdiction.

THE ROLE OF THE HISTORIC DISTRICT COMMISSION

Appointed by the Mayor and City Council, in accordance with State Law, the Commission for Historical and Architectural Preservation serves as a citizen review board on matters pertaining to Historic Preservation in Baltimore City. As set forth in Article 6 of the Baltimore City Code, the Commission for Historical and Architectural Preservation is both an advisory and decision making body. In its advisory capacity, the Commission for Historical and Architectural Preservation is required to make recommendations concerning the historic districting of properties, amendments to ordinances and other decisions concerning Historic Preservation in the City. In its decision making capacity, the Commission approves building permits issued within CHAP districts. In both capacities, the Commission reserves to solicit comments from other professionals.

SECTION I. DEFINITIONS

- 1.1 The word Commission shall refer to the Baltimore City Commission for Historical or Architectural Preservation.

SECTION 2. MEMBERSHIP, OFFICERS AND COMMITTEES

- 2.1 The membership shall consist of thirteen members to be appointed by the Mayor. Each of the appointed shall serve a term of four years and is eligible to serve two full terms.
- 2.2 The Mayor shall appoint the Commission Chairman. The Commission shall annually elect a Vice-Chairman.
- 2.3 Any vacancies of office shall be filled by the next meeting or as soon as possible.
- 2.4 Any vacancies in the Commission shall be filled within sixty days, or as soon as possible.
- 2.5 The Chairman, or in his absence, the Vice-Chairman shall preside at all meetings or hearings of the Commission. In the absence of the Chairman and Vice-Chairman, the Commission may elect a temporary Chairman to preside over the particular meeting. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present.
- 2.6 Liaisons between the Commission and the Mayor's Office shall be invited to participate in Commission meetings.
- 2.7 Special committees may be appointed for special purposes or study.

SECTION 3. MEETINGS

- 3.1 Regular meetings shall be held [DATE TO BE DETERMINED]. Regular meetings shall be held in the Phoebe Stanton Conference Room, Department of Planning, 8th Floor, 417 E. Fayette Street. Regular meetings shall be held at a time chosen in the beginning of each year by the Commissioners. Staff shall give Commissioners ample notice of any changes in the meeting schedules.
- 3.2 Special meetings may be called by the Chairman or, in his absence, the Vice Chairman. Ample notice of such meetings shall be given to each member by mail or phone. This applies to all site meetings, but does not apply to meetings requiring public notice.
- 3.3 Notice of meetings will be posted in the public domain as outlined in Baltimore City Code Article 1, 40.(q)(4).
- 3.4 Attendance – It shall be the duty of each member to attend all meetings. Should any member be absent from one-half or more of all meetings held during the year, or misses three consecutive regular meetings without acceptable justification to the Commission, the Commission shall recommend to the Mayor’s Office that the member’s resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. It shall be the responsibility of each member who can not attend a meeting to so notify the staff.
- 3.5 All Commission Hearings shall be public meetings. Any person is entitled to appear and be heard by the Commissioners before it reaches a decision on any matter. The voting on such decisions shall be held during a public meeting and the Commission shall keep open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding executive sessions from which the public can be excluded but no ordinance, resolution, or regulation shall be finally acted upon at such an executive session. All Commission Hearings follow Robert’s Rules of Order.
- 3.6 It shall be the duty of the Commission’s staff to keep an accurate and true record of all proceedings at all meetings and public hearings. The minutes shall be transcribed from recordings of the actual meetings and distributed to Commissioners and if approved by the commissioners to be placed on record and stored on file at the Commission’s office and the Department of Legislative Reference.
- 3.7 Any Applicant or Petitioner may appear on his/her behalf or be represented by an agent or attorney at said meeting. In the absence of any personal appearance on behalf of the Applicant or Petitioner, the Commission will proceed to dispose of the matter on the record before it, or may table the item. The presiding officer retains the right to excuse anyone from public meetings that vocalizes vial language, insults or unfounded accusations towards the Commissioners, staff or other interested parties.
- 3.8 The Commission may postpone or continue any case due to lack of quorum, or for further study and information until the next regular meeting.
- 3.9 The Commission may require any additional material in the form of maps, charts, reports, and studies, in order to reach a decision. In addition, the Commissioners may postpone a decision and request a site visit.

Section 4. voting

- 4.1 Four members shall constitute a quorum for the transaction of business, and action may be taken only upon the affirmative vote of at least four Commissioners. No decision shall be made in the absence of a quorum.
- 4.2 The order of business shall be in accord with the agenda.
- 4.3 If there is a tie vote between the Commissioners, the Chairman or Presiding Officer may vote to break the tie. In any case, a tie vote by the Commissioners shall be interpreted as a defeat of the motion.
- 4.4 No member shall vote on a matter in which he/she has personal involvement. Members are encouraged to consult the Baltimore City Ethics Committee as to the propriety of their voting on any matter which may involve a conflict of interest.
- 4.5 Commissioner's votes shall be recorded on each motion as one of the three: Yes, No, or abstention.

SECTION 5. CONDUCT OF COMMISSION MEMBERS

- 5.1 No Commissioner shall speak on behalf of the Commission unless authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves.
- 5.2 Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, understanding manner. They shall seek to be considerate of all individuals, attitudes and differences of opinion involved in official Commission Business.
- 5.3 Members shall comply to the Baltimore City ethics law as stated in Article 8 of the Baltimore City Code.

SECTION 6. PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 6.1 Staff is authorized by the Commission to review proposed work from applicants and issues permits to proceed when such work clearly meets CHAP's Historic Preservation Guidelines. Major rehabilitation, new construction, and demolition, and any matters where an Applicant does not agree with staff decisions shall be heard by the Commission at a Public Hearing.
- 6.2 The agenda shall be prepared by the staff, in consultation with the Chairman. Members of the Commission who wish to add to the agenda shall first notify the Chairman of their request prior to the meeting. Unscheduled items not requiring public notice may be added to the agenda during the meeting only after unanimous vote of the members present. Agenda items once acted upon shall not be rescheduled unless new substantive information is presented.
- 6.3 Any person aggrieved by any decision of the Commission, may, within thirty days after the Commissioner of Housing and Community Development has approved, or delayed an application for a permit as provided for hereunder, appeal to the Baltimore City Circuit Court. The Court shall hear all pertinent evidence and shall affirm said decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall make such other decree as justice may require. Any final decree of the Baltimore City Court in any such case shall be appealable to the Court of Appeals in the manner provided by law and rule of court.

SECTION 7. PROCEDURE FOR ALTERING STRUCTURE IN A PRESERVATION DISTRICT
OR ON A LIST

7.1 All Commission Actions shall be consistent with Article 6 of the Baltimore City Code.

SECTION 8. DELEGATION OF AUTHORITY

8.1 The Commission may delegate, with legal restrictions, some of its authority to the Chairman in order to expeditiously and efficiently perform the work of the Commission.

SECTION 9. AMENDMENTS

9.1 Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the Commissioners. All Commissioners shall be notified by mail or telephone in ample time in advance of voting on amendments.

SECTION 10. VARIANCE

10.1 Upon agreement of the members present at a regular meeting, these procedures may be modified for extenuating circumstances.