

Orientation Manual for Alaska's Municipal  
**Historic Preservation Commissions**  
**2015**

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Department of Commerce, Community, and Economic Development  
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It is the obligation of each historic preservation commission member, as well as their staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in applicable law, policy, and agreement. We hope this summary assists you as a commission member in ensuring that your obligations are met.

Additional credit for certain contents:

- Alaska Department of Administration’s Division of Finance
  - Alaska Department of Commerce, Community, and Economic Development’s Division of Corporations, Business and Professional Licensing
  - Alaska Department of Law
  - Alaska Department of Natural Resource’s Office of History and Archaeology
  - The Council on Licensure, Enforcement, and Regulation
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# I. Historic Preservation Commissions: An Overview

## **Purpose, Duties, and Authority of Historic Preservation Commissions**

The National Historic Preservation Act established the Certified Local Government (CLG) Program to provide financial and technical assistance for preservation of historic resources at the local level. It's the aim of the CLG Program to ensure the participation of local governments in historic preservation efforts, and to enrich, develop, and help maintain local historic preservation programs. To participate in the CLG Program, a local government needs to establish a historic preservation commission in line with state and federal standards.

According to those standards, the commission must, to the extent feasible, include an architect, an archaeologist, an historian, and a least four other people, for a total of seven commissioners. One commissioner should be an Alaska Native. Note that an entirely new body does not necessarily need to be established by the local government in order for it to take part in the program. An existing commission, such as a local planning commission, may be adapted for the CLG Program by expanding (generally by ordinance) that commission's duties to include historic preservation responsibilities.

The entity that has been designated and serves as your municipality's historic preservation commission has the following duties:

- Develop a local historic preservation plan that provides for identification, protection, and interpretation of the area's significant cultural resources
- Review and make recommendations about local projects that might affect properties identified in the historic preservation plan
- Review nominations to the National Register of Historic Places for properties within its jurisdiction (the boundaries of the local government)

A municipality participating the CLG Program must provide adequate opportunity for public participation in the local historic preservation program by ensuring that meetings are open, that minutes are taken and made publicly available, and that public involvement and comment are invited. The participating local government will also need to provide annual reports of its historic preservation activities, which must include a list of historic preservation commission member qualifications.

Historic preservation commissions don't have governing – that is, policy-making – authority of their own. Rather, they serve as a focused group of experts who advises through formal recommendations the governing body of their municipal government. Municipal (local) governments in Alaska are either boroughs or cities, with governing bodies called *assemblies* or *councils*, respectively. These governing bodies have the authority to actually set local laws and to establish advisory groups, including historic preservation commissions, as they desire.

As a member of a municipal historic preservation commission, it will be your job to apply your expertise, dedicated interest, and willingness to work constructively with others to help make sound recommendations to your governing body. It will also be your job to fulfill the duties required by the CLG Program and ultimately preserve the history of your community. Specifically, that will mean

preparing for and attending regular meetings, conducting community outreach, drafting and submitting written recommendations to your assembly/council, and other tasks.

Remember that serving on a historic preservation commission is a public role which requires that you abide by certain ethical standards and productively work toward the betterment of your community.

This manual will give meaningful advice to new commission members on how to serve effectively during meetings, relate with colleagues, staff, and the public, and ensure the fulfillment of important legal and ethical obligations.

## II. Being an Effective Commission Member

Every new historic preservation commission member will probably be nervous at her or his first meeting. Should she/he say anything? What are the right meeting procedures? What are the rules that must be followed?

This section provides general tips to help a new member approach their position, and provides some basic information on how historic preservation commissions conduct their work.

### **Participate in all issues.**

If you've been appointed to a historic preservation commission, chances are you already have lots of useful topical knowledge and experience. However, you may not be familiar with *all* the community planning, development, and historic preservation priorities in your community, or the specific pros and cons of pursuing one approach on key issues versus another.

You must therefore be ready to focus in on particular and perhaps new issues, even ones you might be less personally interested in or comfortable with than others. Immerse yourself in every topic and process, or else risk becoming frustrated and ineffective.

### **Always consider other views.**

As a new commissioner, you may also not have had much (if any) experience serving on public decision-making body. You'll soon find that, despite any differences in perspective and professional background that you and your colleagues bring to the group, you'll all need to find common ground to make decisions benefitting the public you serve. If members do not listen to others' points of view, it will be difficult to find this common ground and poor decisions could end up being made. Moreover, if you don't duly consider another person's perspective, they might be even less supportive of your own. In the end, not listening to others' views will result in poor service to the public.

### **Focus on policy, not politics.**

Members of historic preservation commissions are responsible for making certain kinds of decisions, as set out in their municipality's ordinances and policies, and in CLG Program requirements. These decisions inform and are informed by public policy, and they can have real effects on life in your community.

Accordingly, it's important that a commission stay focused on how its decisions will ultimately benefit the public interest. A commission that is influenced by competing short-term or personal agendas will have difficulty finding agreement on important public policy issues, and likely not develop decisions that are in the best interests of the community. Better public policy is created when the commission makes decisions with the best interests of their whole community in mind.

Doing a commission's business (in effect, the public's business) is a group activity that requires patience, vision, cooperation, and compromise. Be ready to look past conflicts of character, opportunities for personal gain, or the pride of winning an argument to ensure that your commission makes the best decisions for your community.

## **Remember that discussion and debate lead to growth.**

No one expects commission members to agree on everything. In fact, when disagreement exists, it means that different viewpoints are being considered before a decision is made – something advised earlier in this manual. Looking at different perspectives of commission members is an important part of the decision-making process and ensures that the interests of all concerned are given some thought. So, don't shy away from bringing up the costs and benefits as you see them to issues being discussed. Know also that it's often helpful to propose alternatives and challenge the 'conventional wisdom'. Just be sure to do so at the appropriate time during the meeting and in a respectful and constructive manner.

## **Address issues within the commission's scope of authority.**

Some issues may come up in your meetings that are indeed important to your municipality and to commission members personally, but may not be within the historic preservation commission's purview, power, or authority to deal with. A historic preservation commission has enough to do already, and has a unique opportunity to support important historic preservation efforts that would otherwise go unaddressed. Spend your efforts on the issues your commission is tasked with addressing, and don't waste time and resources on issues outside of your entity's control.

## **Additional Tips**

The following additional recommendations are made to historic preservation commission members to further help you act effectively in your important role:

### **1. Be informed before meetings:**

Read your meeting packet and all materials given to you *prior to your meeting*, and be ready to discuss the topics brought up in them. This information can help you better understand the issues you're there to address, and to participate in more detailed discussion during the meeting.

### **2. Become familiar with the commission's documents:**

Take time to read any existing documents (past agreements, old meeting packets, etc.) pertaining to the issues at hand.

### **3. Know the rules regulating the commission:**

Know the municipal ordinances, regulations, policies, and agreements pertaining to your commission.

### **4. Learn all sides of an issue before forming an opinion:**

A commission member makes better-informed decisions and opinions when she or he learns all sides of an issue. If you assume you already know everything about an issue that just came up, you may miss an opportunity to learn something new that could change your mind, help you better understand another's perspective, or simply help reinforce your position.

### **5. Take part in debate:**

As a rule, the quality of a commission's decision is improved when all of its members contribute to discussion. Express your views and the views of the people you represent.

**6. Ask questions:**

If *you* have a question about a subject, chances are other members probably do as well. If you don't know something, the best way to learn about it is by asking questions.

**7. Seek solutions:**

Be a problem-solver. Contribute to debate in a way that will lead to solutions and not add to the complexity of a situation. When faced with a challenge, look for ways it can be overcome.

**8. Don't be shy:**

Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution, so speak up when you have something to say!

**9. Be inquisitive:**

Dig in to a matter and be appropriately assertive when necessary to get the information you need. Remember though that the most productive environment for decision-making respects all opinions and everyone's right to express them. Relationships should be polite and professional.

**10. Share information:**

If you know something about a matter before the commission that other members may not be aware of, share it. The decision-making process will benefit when commission members share important information with the entire group. This encouragement does not extend to situations that may result in ex parte communication by the commission, however.

**11. Put in extra effort:**

Volunteer to serve on any commission committees and to perform special assignments. Your expertise and perspective are important to the success of the commission.

**12. Take the time to make a difference:**

The time you actually spend at meetings is only a small part of the time it takes to be an effective commission member. Be prepared to spend a fair amount of time preparing for meetings, conducting research, generally staying informed, and being actively involved in matters affecting your community as a commission member

## III. Matters of Ethics

### Clear No-Nos

Public officials, including members of an historic preservation commission, should *not*:

- use their official position to seek or secure other employment or contracts;
- accept, receive, or solicit outside compensation for the performance of official duties or responsibilities;
- use official time, equipment, property, or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a significant financial interest;
- attempt to benefit a personal or financial interest through coercion; or
- use, or recommend or authorize the use of, public funds, facilities, equipment, services, or another public asset or resource for partisan political purposes.

### Improper Gifts

Public officials should also refrain from requesting or accepting gifts intended to influence their actions or judgment. Improper gifts may include gifts to a member of the commission's family, if that gift was offered because of the family member's connection to the commission member. Some gifts may be considered acceptable, but should nonetheless be reported.

### Improper Use or Disclosure of Information

As a commission member, you should avoid using or disclosing any information gained in the course of, or by reason of, your official public duties that could result in any way in the receipt of any benefit to you or a member of your family, if that information has not also been disseminated to the public. Do not disclose confidential information acquired in the course of your official duties without appropriate authorization, either.

### Nepotism and Cronyism

Nepotism is favoritism shown to someone because they're a relative, while cronyism is favoritism shown to someone because they're your friend. Both nepotism and cronyism are inappropriate. The decisions you make as a commissioner should come from an objective consideration of merits and the equal and consistent application of appropriate standards.

### Ex Parte Contact

Ex parte contact occurs when someone who wants something from a decision-making body contacts one of that body's members outside of a public forum to offer information and to influence the member's perspective on a matter before the body.

Indeed, it is sometimes tempting for a property owner, local business, or attorney to attempt to circumvent the usual public decision-making procedures, to seek information on pending decisions, or to seek to influence an individual's decision by directly contacting one of the commission members.

Ex parte communications are improper and do not benefit the decision-making process. One result of ex parte contact is that the commission member so contacted will be unable to impartially discuss, participate in, or vote on the relevant action. Similarly, the risk to anyone who attempts such

communication is that a commission member who might have been favorably disposed to their view will not be able to fairly participate in the decision or vote.

Historic preservation commissions are composed of individuals who, when acting as individuals, have no authority. Collectively, however, the commission may make decisions, receive information, or recommend action on important community matters. The foundation of due process is that each 'side' or (viewpoint) in a pending decision/dispute has the opportunity to be heard. If one side has the opportunity to make an argument, the other side must have the opportunity to respond.

Should you experience an ex parte communication, alert your commission's chair about the contact so he or she can determine what action is appropriate to take. It's just not smart to make decisions based on one side's view or on limited information, either, though. If anyone shares information and views on a matter you're to consider as a commissioner, be sure to just share that information with the rest of the commission, but also seek out opposing viewpoints.

### **Conflicts of Interest**

A conflict of interest occurs when a commission member has a direct personal interest, usually a financial interest, in a matter before the commission. It's not uncommon in small communities for conflicts of interest to occur; however, a commissioner must report any potential conflict they have and ask to be excused from vote on the matter.

The meeting's presiding officer should then rule on the request, determining whether there is indeed a conflict of interest and whether or not the member should be excused from voting. The decision by the presiding officer on a request by a commissioner to be excused from a vote may be overridden by a majority vote of the commission.

Some conflicts may only appear to be improper or to lead to an unfair advantage. These conflicts should be declared so the public does not think that commission members are self-serving and ignoring the public interest. So again, if a commission member thinks she or he has a conflict, it should be declared and the presiding officer should be notified to decide whether the board or commission member should vote. A conflict should only be declared when a conflict is really believed to exist, though, and the determination of the declaration should be read into the public record of the meeting. A conflict should never be declared simply to avoid having to vote on a difficult issue.

## IV. Noticing Meetings

Historic preservation commissions conduct their business and make decisions when its members meet together and act. The purpose of these meetings is to provide a forum for the commission to conduct its business and make decisions. Meetings should have a structure and rules to conduct that business in an orderly, efficient manner that is fair to all commissioners. This section will provide practical advice on how to hold effective commission meetings.

Meanwhile, the commission needs to ensure that the public's right-to-know is always protected and that the public is given appropriate opportunity to provide input in the commission's decision-making process. So as you'll see first in this section, there are specific laws affecting commission meetings that are there to ensure public access to them.

### The Open Meetings Act

Alaska's Open Meetings Act (Sec. 44.62.310-312 of state statute) requires that all "meetings" (defined later here) of public bodies, including those of municipal historic preservation committees, be open to the public and that the public body be given reasonable notice of its meetings. In essence, the Open Meetings Act protects the public's right-to-know. To accomplish this, the Act requires:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision-making process, with limited exceptions; and
- individual actions of an official be made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting; the public must also have access to materials being considered during the meeting.

Among other things, the Open Meetings Act (OMA):

- defines public meetings and public entities;
- lays out specific requirements for public notice;
- requires that all meetings of a governmental body of a public entity are open to the public;
- lays out provisions for attendance at meetings and voting methods;
- lays out provisions for distribution of meeting materials; and
- lists the few exceptions to the act as well as matters that may be discussed in executive session.

### What Constitutes a "Meeting"

The OMA provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public "meeting", which thereby requires certain public notice requirements. There are different standards for meetings of policy-making bodies, such as city councils or borough assemblies, versus advisory-only bodies, such as most planning commissions or historic preservation commissions.

A meeting of a decision- or policy-making body (city council or borough assembly, usually) occurs when more than three of its members, or a majority of its members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on. If those conditions are met, there is a “meeting” and it is subject to the OMA. To be clear, it doesn't matter where or when the group discussion occurs, or whether or not it was pre-arranged, in order to be considered a legal “meeting” under this definition; what matters is only the number of decision-makers present and what they're discussing.

There is a different standard for advisory-only bodies, such as most municipal historic preservation commissions. A “meeting” of an advisory-only body, at least in the legal sense, is a *prearranged* gathering of *any number* of its members to consider a matter on which the entity is authorized to advise the decision-making body on. In other words, if the gathering is planned in advance for the purpose of conducting any business of the entity, the presence of even just two or three members of the body could constitute a legal “meeting” under the OMA. Such a gathering must then be open to the public and given proper notice.

Following are the most common types of public meetings that would be subject to the Open Meetings Act:

**Regular Meetings:**

Regular meetings are those held on some recurring schedule. Regular meetings must be held according to the frequency set forth in law (municipal ordinance) or written policy for the entity. The municipality's or the commission's web page should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public should be able to make plans to attend the meeting with reasonable advance notice. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

**Special Meetings:**

Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, a commission may have adopted a regular meeting date, but determine that it needs to meet during the interim. If the commission must meet earlier, it can call a special meeting for a different date. Special meetings should be held rarely and only to address time-sensitive issues.

**Committee Meetings:**

Permanent ("standing") committees and temporary ("ad hoc") committees of a commission may be formed to study particular issues in more detail. Standing committees address ongoing activities of the commission. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the commission (referred to as a “committee of the whole”), or of fewer members, usually three. A committee cannot take action on behalf of the full commission, but instead makes a recommendation to the commission for its action. The committee of the whole meets to discuss items that are not ready for action, but need further discussion in an informal setting. Committee meetings must be publicly noticed.

Commission members should take care not to conduct business over email, lest the public be removed from the process. However, if a special meeting is needed to discuss business or make a decision, a commission member can certainly alert others and see that a meeting gets arranged.

## **Adequate Public Notice**

In order to assure that the public information/participation provisions of the Act are met, the OMA requires that the public entity must provide "reasonable" notice of its meetings. That means that notices:

- are provided within a reasonable amount of time prior to the meeting;
- include the date, time, and place of the meeting;
- are posted at the principal office of the public entity (perhaps the municipal office); and
- are formatted and posted consistently all the time.

A "reasonable amount of time" for posting notices ahead of meetings is, admittedly, a subjective term. Check your municipal code and policies to learn whether there are unique local requirements that your commission must follow when posting notice of meetings. Generally, it is recommended that meetings be publicly noticed at least five days in advance. Longer notice might be appropriate if the meeting planned will consider particularly complex and/or contentious issues for which the public should be given more time to prepare for.

## **Executive Sessions**

Executive sessions are not meetings themselves, but rather sections of public meetings when the public is temporarily excluded so that the body can discuss – but not act on – certain matters, as allowed by state law. AS 44.62.310(b) authorizes a public body to meet in executive session to discuss only those items listed there. This is not an exception to the OMA, but rather an authorization to conduct a step in the decision-making process in a certain way. The decision to go into executive session during a public meeting must weigh the potential harm of open discussion against the public interest, the benefit of open public discussion, and the public's right to know.

Again, an executive session is not a secret meeting; it is a part of the public meeting from which the public may be excluded. The commission may, at its discretion, invite others into the executive session. All executive sessions must first be convened as a legal public meeting and a motion must pass that clearly describes the subject to be discussed before the commission can go into executive session.

Here is a list of the types of topics that a public body can choose to discuss during an executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion (Note: the subject individual must be provided personal notice and be informed of the option to request public discussion);
- matters which by law are required to be confidential; and
- matters involving consideration of government records that by law are not subject to public disclosure.

Here are some examples of gatherings which do not require the same public notice requirements as formal meetings:

- meetings to perform a quasi-judicial function (though excluded from the Open Meetings Act, constitutional due process requires individual notice if an individual's rights are involved);
- meetings to act on professional qualifications, privileges, or discipline;
- municipal staff or employee group meetings; and
- member meetings of national, state, or regional organizations at which no business of the government body is conducted.

The best rule of thumb to follow is: *if in doubt, provide notice.*

In addition to requiring that deliberations of a commission be open to the public, the OMA also requires that votes shall be conducted in such a manner that the public may know the vote of each person entitled to vote, including meetings conducted by teleconference.

Alaska courts have ruled strongly in favor of the OMA. Actions taken at unnoticed or improperly noticed meetings can be voided. It can also cost municipalities a great deal of money to defend their officials against charges of OMA.

## **Casual Conversations**

When outside of a publicly-noticed meeting, officials should exercise caution discussing issues among themselves. This kind of discussion has been, and can be, construed as a violation of the Open Meetings Act.

As a practical matter, commission members will often speak to one another. When members pass each other on the street or sit together in a café for coffee, it is natural that the conversation could drift to include public business. Before the full commission hears an issue, members must be careful not to engage in discussions that lead to a decision on the issue and not to commit to vote a certain way or to seek to influence another member's vote. Commission members must also take care not to discuss investigations with the affected licensees before a vote takes place. This type of discussion, as noted earlier, is called "ex parte" communication.

A lot of ideas can result from casual encounters outside the pressure and formality of the commission's meeting chambers. Exchanging information, ideas, and viewpoints can be valuable. However, commission members, like all public officials, must be mindful of the provisions of the OMA.

This manual is provided as general guidance regarding the requirements of law, but is not a substitution for reading and understanding the law itself. Should interpretation be required that this manual cannot provide, the commission may wish to seek clarification from a municipal attorney, municipal officials (council or assembly members, or the municipal clerk), or the municipality's Local Government Specialist at the Division of Community and Regional Affairs.

## V. Meeting Procedures

### Rules of Procedure

Rules of procedure are not statutes or regulations, but rather guidelines the commission has agreed to follow. Contained in these rules might be a list identifying the commission's standing committees (if any), the parliamentary procedure for running meetings, or perhaps a requirement to end meetings at a certain time. Depending on the municipality, there might also be rules for how many meeting absences are allowable before a commission member is removed from the commission.

### Quorum

A quorum is the minimum number of commission members required to conduct business. AS 29.20.160(c) states that a majority of the total membership of the commission constitutes a quorum.

A member who is disqualified from voting is considered present for purposes of a quorum. If a quorum is not present, any number of the members present may recess or adjourn the meeting to a later date. Formal actions of the commission must be adopted by a majority of the full membership (never by a majority of the quorum). Thus, if only four members (a quorum) are present at a meeting, any one member can vote down items before the commission because three votes is not a majority of the full membership. For this reason, sensitive, complex, or difficult matters should come before the commission only when all members are present.

This underscores the need for all members to be present at every meeting. If absences must occur, then proper notice must be given in order to determine whether to reschedule the meeting. Time and resources are spent preparing for and traveling to meetings, so the likelihood of them being cancelled should be duly considered and absences must be taken seriously. Depending on local ordinance rules, commissions may adopt regulations regarding removal of members for excessive absences. Commission members who find they need to resign may do so in writing.

### Role of the Chair

Commission members and the public look to the chairperson to provide leadership during the meeting. The chair should understand the issues before the commission, know and understand the philosophies of their fellow members, and be able to bring the commission to decisions on difficult or complicated issues. The chairperson should be able to do all of the following effectively:

- **Run a Meeting:**  
The chair is responsible for running an orderly meeting and conducting public business in a fair and timely manner. Everyone looks to the chairperson for leadership.
- **Maintain Order:**  
The chairperson should not allow cheering, hissing, booing, or other demonstrations from the audience. Nor should he or she permit commission members to become rude, confrontational, or argumentative with one another or the audience.
- **Keep Business Moving:**  
It is the chairperson's job to keep business moving by bringing matters to a vote.

- **Manage Public Testimony:**  
By using a sign-up list, the chairperson will know who wants to speak on items before the commission. If a large number of people wish to speak, the chairperson should set a time limit per speaker (usually three minutes). Rambling, irrelevant testimony should be discouraged, as should commentary from the public during commission deliberation of an issue.
- **Maintain Relevance:**  
Discussion between commission members and members of the public who are testifying should be limited to fact gathering that helps the commission make informed decisions.
- **Use Parliamentary Procedure:**  
The chairperson needs to know enough parliamentary procedure to run the meeting. Someone else may be the parliamentarian, but the chairperson must have a working knowledge of parliamentary procedure.
- **Tie Things Together:**  
The chairperson should have the ability to take into account public testimony, commission deliberations, and an understanding of the issues at hand when guiding the commission toward a decision.
- **Implement Approved Actions:**  
The chairperson should have the ability to create an action plan and follow through with staff or other entities on the actions decided at the meeting.

## **The Agenda**

The commission should have an approved agenda format to be used at all of its regular meetings. A sample agenda might include the following:

- I. Call to Order
- II. Roll Call
- III. Statements of Conflicts of Interest
- IV. Approval of Minutes of Previous Meeting
- V. Public Comment on Non-Agenda Items
- VI. Consent Agenda
- VII. Reports
- VIII. Old Business
- IX. New Business
- X. Committee Reports
- XI. Commission Member Comments and Questions
- XII. Adjournment

The order of the agenda may be changed at the meeting. For example, an item toward the end of the agenda may be moved up and dealt with earlier in the meeting; this can be done by a motion to amend

the agenda. The agenda should be amended only when there is a good reason. Try to maintain the posted public comment periods since constituents may have taken great care to arrive at that time.

## **Taking Part in Debate**

Debate and discussion are not the same. Discussion is general and does not necessarily lead to closure of an issue. It is the method used for less formal meetings and work sessions. Debate occurs after a motion has been made, and formal commission actions are required. Group discussion is not a formal request for action, so members should take care to make a motion in order to propose an actionable item--particularly one that involves a fiscal matter, policy change, or staff response.

Debate at commission meetings goes through the chairperson. If a commission member wants to speak, he or she must raise a hand and be recognized by the chairperson (or presiding officer, if the chairperson is absent or doesn't run the meeting). If there is a motion on the floor, then the member may only speak to that motion. Members should never interrupt one another. Comments should be brief and to the point.

Members may mingle with the public in other settings, but meetings are the events at which the public's business is conducted and decisions are made, so meetings should be conducted in a calm, orderly environment free from disruptions. After all, good decisions are more likely in a quiet, controlled, uninterrupted setting. Members of the public are not members of the commission, so they should refrain from engaging in commission business. Members of the public may speak during the common public comment period, or they may formally request to address the commission by requesting to be on the agenda well ahead of time or by signing in to address the commission per its adopted procedures. When the public informally interacts with the commission during a meeting, the business can be disrupted and the outcome of the motion could become unclear.

## **Parliamentary Procedure**

One of the greatest procedural tools a commission can adopt is one of parliamentary procedure, which sets the protocol for meeting management. Parliamentary procedure is not – or doesn't necessarily need to be – as complex as many fear. Most commissions follow some version of Robert's Rules of Order, and there are many guides available online or in hard copy to help understand that form of parliamentary procedure. A guide to the parliamentary motions used most frequently is included later in this section.

The use of rules, or parliamentary procedure, for meetings fulfills several important purposes:

1. It provides structure for deliberation of issues.
2. It ensures that only one item at a time is before the commission for debate.
3. It provides a forum for debate that is fair to everyone and partial to no one.
4. Finally, it permits the will of the majority to prevail while protecting the rights of the minority and permitting all sides of an issue to be heard.

Commissions can develop and use their own rules for parliamentary procedure, but most use Robert's Rules of Order because this set of guidelines is familiar and well-established.

## Types of Motions

The backbone of parliamentary procedure is in motions and how they are made and dealt with, the various categories of motions, and the relationship between motions. There are four types of motions, but the most common is the main motion, which brings an item of business before the commission for its formal deliberation. Only a main motion can bring matters before the commission for a vote.

<b>Main Motions</b>							
These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.							
<b>§</b>	<b>PURPOSE:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

### Incidental Motions

No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

### Motions That Bring a Question Again Before the Commission

No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

## **Making a Motion**

A main motion is the way an item is placed before the commission for consideration and action. A commission member, after being recognized by the chair, may say, "I move to approve the minutes from the November 2015 meeting as amended." The chairperson then asks for a second and, when the motion is seconded, asks if there is any debate on the motion.

Any subsidiary motions that may be made, such as a motion to amend, table, or send the matter to a committee, must be voted on before the main motion may be voted on. Robert's Rules of Order requires that every motion have a second. In Mason's Manual of Legislative Procedure, however, motions do not require a second.

### **Every motion consists of eight steps (or seven, if using Mason's rules) that follow in order:**

1. A commission member seeks recognition from the chair.
2. The member is recognized by the chair and "has the floor."
3. The member makes a motion.
4. The motion is seconded (Robert's Rules of Order).
5. The chair restates the motion to the body.
6. The commission debates the motion.
7. The commission votes on the motion.
8. The chair announces the result of the vote.

## **Voting**

Once debate on a motion is completed, the commission has to vote. Every member present has to vote unless the member has been excused due to a recognized conflict of interest. Voting typically may be given orally or as a show of hands, but local ordinances and rules of procedure might specifically require one or the other. If adopted rules do not already require it, anyone on the commission may request a roll-call vote in which the each member's name is called and each name and vote are entered into the record. The public has a right to know how each member voted, so the minutes should reflect each person's vote on each motion.

## **Abstaining from Voting**

Commissions perform their work through decision-making in a public setting. A commission cannot take action without voting. Members are appointed with the expectation that they will participate by letting their voice be heard through their vote. It is highly advisable that each commission member vote on every issue. A member should only abstain if the chairperson has ruled that he or she has a conflict of interest on the particular matter being voted on. A commission member must explain his or her conflict and receive a ruling on whether a conflict exists. The chairperson's ruling, whichever way it goes, may be overridden by a majority of the commission. Refer to this manual's section on conflicts of interest for more information.

It is a misconception that the chair can only vote in the case of a tie. From [www.robertsrules.com](http://www.robertsrules.com):

*"If the chair is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote on all questions. So, in meetings of a small board (where there are*

*not more than about a dozen board members present), and in meetings of a committee, the presiding officer may exercise these rights and privileges as fully as any other member.*

*When will the chair's vote affect the result? On a vote that is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds."*

## **Unanimous Consent**

Unanimous consent occurs when all members vote in favor of a motion. Sometimes unanimous consent simply occurs after a vote, when all members vote the same way. Other times, unanimous consent may be requested as part of a motion. Typically, this request happens when the person making the motion knows the item is not controversial. The person making the motion might say, "Mr. [or Madam] Chair, I move to approve the minutes from the November 2015 meeting and ask unanimous consent." The chair then asks if there is any objection. If there is none, the item is adopted by unanimous consent. Discussion may also be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

## VI. Commission Relationships

Commissions interact with many different individuals and groups of people. This section addresses the business nature of these relationships.

### Relationship with the Chairperson

It is important that the commission works together for the common good of the municipality. If the chair and the commission fight all the time, the disputes project a negative image to the public, waste valuable time, promote conflict, slow down work and progress, and distance members from each other. Commission members may not always agree with the chairperson, but they must work with the chairperson. The chair is responsible for more than their own viewpoints and should:

- Project a positive image
- Make best use of the commission's time
- Promote teamwork
- Permit work to go forward and progress to be made
- Involve the whole commission in solving problems

### Relationship with the Public

In order for an historic preservation commission to function effectively, there must be open communication between it and the public. This open communication provides the public with an opportunity to influence the decision-making process and inform the commission members of their wishes and desires, thereby helping to ensure that the decisions made are appropriate, legitimate, and in the best interests of the community.

The commission can communicate with the public in various ways: through meetings, public notices, community bulletin boards, local newspapers or newsletters, radio or television announcements, websites, and through the interaction of local elected officials. When communication is open, honest, relevant, timely, and wide-spread, residents and local officials can work together to address local needs. This partnership of officials and the public helps the commission to:

- Identify community needs and priorities
- Develop plans that best meet those identified needs
- Gain access to community resources and information
- Build public support for ideas and projects
- Promote an interest in local history, historic preservation, and local government

### Relationship with Staff

Even if historic preservation commissions don't have their own staff, they will likely rely on other municipal staff, such as the city/borough clerk and staff in a local planning department. Staff often provide the commission with facts and information needed to make a decision. In fact, it is sometimes staff themselves that make recommendations for the commission, prepare draft documents, set up meetings, and conduct certain research.

However, even in these cases, the commission should not make any staff person into, what effectively would be, an additional commission member by expecting that person to make decisions that the

commission is appointed to make. Such expectation for decision-making can place a staff member in the awkward position of substituting his or her judgment for the collective judgment of the commission. This expectation is unfair to the staff person and can make him or her a scapegoat for mistakes.

Be sure also that any requests of staff follow the appropriate chain of command and be made by the group; clerks and planning staff should not be directed by individual commission members.

## **Relationship with State Advisors**

The Division of Community and Regional Affairs (DCRA), which is housed in the State of Alaska's Department of Commerce, Community, and Economic Development (DCCED), is charged with meeting the mandate in article X, section 14 of the Alaska Constitution that states:

*“An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.”*

DCRA's mission is to promote strong communities and healthy economies by providing the following core services:

- Training and technical assistance to local governments on all matters of public administration and utility management
- Land management assistance
- Grant management and community financial assistance distributions
- Information resources for local government and economic development
- State Assessor technical assistance to municipal assessors
- Local Boundary Commission (LBC) staffing
- Alaska Native Language Commission staffing

Every incorporated and unincorporated community in Alaska, large and small, has access to a specially assigned Local Government Specialist (LGS) in one of the seven regional DCRA offices. Contact DCRA at **(907)269-4564** or **[lga.dcra@alaska.gov](mailto:lga.dcra@alaska.gov)** to find out who your LGS is. Your LGS will be able to provide free expert assistance on matters of local governance and serving on a commission.

You can also find detailed information on numerous topics related to local governments in Alaska online at DCRA's homepage ([www.commerce.alaska.gov/web/dcra/](http://www.commerce.alaska.gov/web/dcra/)). DCRA's Local Government Assistance Section has a Facebook page (DCRA – Local Government Assistance) with helpful tips, training information, and opportunities to connect with local government peers across the state.