RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION
GENERAL PROCEDURES

I. PURPOSE OF THESE PROCEDURES

RIHPHC General Procedures are internal operating procedures which have been adopted by majority vote of the Commission. RIHPC General Procedures describe how the Commission will conduct certain routine activities such as meetings of the commission or delegation of administrative authority to the Executive Director. RIHPC General Procedures may be amended by majority vote of the Commission.

II. LEGISLATION AND AUTHORITY

RIHPC General Procedures recognize and incorporate by reference the following authorities and implementing rules.

A. RI Historic Preservation Act (RI General Laws 42-45).

In 1968, the General Assembly passed legislation creating the RI Historical Preservation Commission; in 1995 Heritage programs were added. The Commission is an independent agency within the Executive Department and is charged with the responsibility to identify and protect historic properties. Included in this responsibility is the Commission's duty to compile a State Register of Historic Places, to advise state and municipal government agencies regarding their activities which may affect historic properties, to issue antiquities permits, to operate a revolving loan fund, to administer grants, to hold interests in real property, to prepare elements of the State Guide Plan, and to apply for and receive on behalf of the State of Rhode Island federal grants for historic preservation.

The Commission has adopted regulations in accordance with the RI Administrative Procedures Act for:

1. Registration and Protection of Historic Properties

2. Historic Preservation Loan Fund

3. Historic Preservation Residential Tax Credit

B. National Historic Preservation Act.

In 1966 the United States Congress enacted the National Historic Preservation Act which provides for states to participate in the federal historic preservation program by maintaining a

~~state historic preservation office, nominating properties to the National Register of Historic Places, reviewing federal undertakings which may affect historic properties, reviewing applications for federal tax credits for rehabilitation of historic properties, certifying local government historic preservation programs, receiving federal funds and making subgrants.~~

~~Federal procedures and guidelines have been established for carrying out these activities, including~~

~~1. The Procedures of the Advisory Council on Historic Preservation (36 CFR 800)~~

~~2. National Register of Historic Places (36 CFR 60)~~

~~3. Criteria for state historic preservation programs (36 CFR 61)~~

~~4. Historic Preservation Certifications of Rehabilitation Tax Credits (36 CFR 67)~~

~~5. National Register Programs Guideline NPS-49~~

~~III. ORGANIZATION OF THE COMMISSION~~

~~A. Membership~~

~~The Commission consists of 17 members who serve in a voluntary capacity to oversee historic preservation programs. Ten members are appointed by the Governor and include an historian, an architect, an archaeologist, an architect or architectural historian, a museologist, an anthropologist, a landscape historian or landscape architect, and a representative of a private nonprofit historic preservation organization. Other members of the Commission are the Directors of the Department of Economic Development and the Department of Environmental Management, the Chief of the Statewide Planning Program, the State Building Code Commissioner, the State Historic Preservation Officer, and the Chairmen of the House Finance Committee and the Senate Finance Committee.~~

~~B. Officers.~~

~~The Commission shall elect annually from its members a Chairman and a Secretary.~~

~~C. Review Board.~~

~~The Commission shall annually appoint a review board to review nominations to the state and national registers of historic places. Membership of the review board shall include a historian, a~~

historical archaeologist, a prehistoric archaeologist, a historical architect, and an architectural historian. Appointments to the review board may include Commission members and such others as the Commission wishes to appoint.

D. Committees.

The Commission may establish committees whose members will be appointed by the Chairman. The following committees have been established, and others may be added as the need arises:

1. Loan Committee. The loan committee shall: review applications for preservation loans and make recommendations to the Commission regarding the approval of such applications; monitor the progress of individual loans and the status of the historic preservation loan fund.

2. Personnel Committee. The Personnel Committee shall consist of the Chairman, the State Historic Preservation Officer, and the Executive Director. The Personnel Committee will approve decisions to hire or terminate staff members, and the committee will hear grievances of staff members.

IV. MEETING PROCEDURES

A. Calling Meetings

1. Regularly scheduled Commission meetings shall be held on the second Wednesday of each month at 9:30 AM at the Commission office, unless otherwise announced.

2. The Chairman or a majority of Commissioners may call a meeting.

B. Agenda

1. The agenda shall be the written list of items to be discussed at a Commission meeting.

2. To be placed on the agenda an item must be approved by the Commission Chairman or proposed by 3 or more Commission members.

3. In the absence of the Chairman, the agenda shall be prepared by the Executive Director and ratified at the meeting.

4. The agenda may be amended at the general meeting by proposal of an item under

"new business."

C. Public Notice

1. Public notice of the schedule of general Commission meetings shall be made at the beginning of each calendar year. In addition, notice shall be given at 48 hours before any meeting of the Commission.

a. Public notice includes the date, time and location of the general Commission meeting.
b. Public notice will be posted in the Commission office and in the office of the Division of Planning, Department of Administration.
c. Written notice will be sent to Commissioners at least 48 hours prior to the scheduled meeting.

2. In the case of special or rescheduled meetings,

a. If the Chairman calls the meeting, written notice will be sent to Commission members and the Executive Director at least 48 hours prior to the scheduled meeting.
b. If a majority of the Commission members call a meeting, notice will be sent to the Commission Chairman and the other Commission members and the Executive Director at least 48 hours prior to the scheduled meeting.
c. Notice will consist of the date, time and location of the Commission meeting.

D. Open Meetings

All general meetings are open to the public, and the requirements of the RI Open Meetings Law pertain. Meetings will be held in conformance with the requirements of the Americans With Disabilities law; persons who need the services of a translator or have other special requirements should contact the Commission at least 48 hours in advance of the meeting. At the discretion of the presiding officer, members of the public may be heard at Commission meetings.

E. Quorum

1. The meeting requires the presence of a quorum.

2. Five (5) Commission members constitute a quorum.

3. Presence of a quorum entitles the Commission to exercise by majority vote all rights and perform all of the duties of the Commission.

4. In the absence of a quorum when proper meeting notice has been given, not fewer

than three Commissioners may conduct a meeting and take votes which are subject to a telephone poll of absent Commissioners following the meeting. Five affirmative votes (and a majority of those polled by telephone) shall be required to approve a motion in this manner. The poll of Commissioners shall be ratified at the next meeting of the Commission at which a quorum is present.

F. Minutes

1. Minutes will be taken at each Commission meeting and will include:

a. the date, time and place of the meeting;
b. the attendance of individual Commission members;
c. a summary of matters considered;
d. a record of Commission votes;
e. any other items required by the Commission, State or Federal Law.
f. The minutes will be kept on file at the Commission office.

V. CONFLICT OF INTEREST

Commissioners and Commission staff shall avoid conflicts of interest and the appearance of conflict of interest. Conflict situations include financial or personal gain for oneself or one's family or associates. Conflict situations also include loss of objectivity or impartiality in making decisions or carrying out the duties and responsibilities of the Commission.

A. RI Code of Ethics

Commissioners shall comply with the requirements of the Rhode Island Code of Ethics (RI General Laws 36-14) which is summarized in the appendix to the RIHPC General Procedures.

B. Federal Requirements

Commissioners shall comply with the requirements of the National Park Service as set forth in NPS-49, which is reprinted in the appendix to the RIHPC General Procedures.

C. Enforcement

The Chairman and the Executive Director are jointly responsible for assisting Commissioners and staff to comply with conflict of interest requirements and for reporting violations to appropriate authorities.

VI. EXECUTIVE DIRECTOR

A. Duties

The duties of the Executive Director are set forth in the Executive Director Job Description which is included in the appendix to the RIHPC General Procedures.

B. Employment of Staff

The Executive Director is authorized to employ in the name of the Commission such technical and professional staff and consultants as may be required to carry out the powers and duties of the Commission. In employing full time, permanent staff, the Executive Director will act with the advice and consent of the Chairman and the State Historic Preservation Officer. Staff grievances shall be directed to the Executive Director, and if the grievance cannot be resolved it shall be referred to the Personnel Committee.

C. Authorized Agent

The Executive Director is delegated by the Commission to act as the Commission's authorized agent for the approval for all fiscal and personnel documents requiring an authorized signature. The Executive Director may designate a member of the staff to act as an alternate authorized agent to sign documents in the Executive Director's absence.

D. Representative of the Commission

The Executive Director, or such staff as the Executive Director may direct, is authorized to represent the Commission and advise interested parties on behalf of the Commission concerning matters of historic preservation, based upon the findings of the Commission's various surveys, reports, and plans and upon current professional historic preservation standards and practices.

These General Procedures adopted by majority vote of the Rhode Island Historical Preservation Commission on January 12, 1994.

Appendix

CLASS TITLE: EXECUTIVE DIRECTOR
(HISTORICAL PRESERVATION COMMISSION)

~~CLASS DEFINITION:~~

~~GENERAL STATEMENT OF DUTIES: To serve as Executive Director of the Historical Preservation Commission; to plan, organize, and direct the programs of the Commission; to identify, evaluate, protect, and preserve the state's historical properties and sites; to serve as Deputy State Historic Preservation Officer to the federal government; and to do related work as required.~~

~~SUPERVISION RECEIVED: Works under the administrative direction of the Historical Preservation Commission on matters of policy with considerable latitude for the exercise of individual judgement and initiative to accomplish the objectives of the Program; work is reviewed through reports to the Commission for conformance to policy and professional standards.~~

~~SUPERVISION EXERCISED: Plans, organizes, coordinates, supervises and reviews the work of professional, technical, and supporting personnel on the staff or as contracted for by the Commission; reviews work in process and upon completion for proficiency and conformance to policy, law, regulations.~~

~~ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:~~

~~To serve as Executive Director for the Historical Preservation Commission by providing administrative, professional, and technical assistance in the formulation and execution of the Commission's policies and regulations.~~

~~To perform responsible administrative duties in connection with the identification, evaluation, protection, preservation, and restoration of the state's historical resources, and to direct the work of professional, technical, and support personnel.~~

~~To be responsible for planning, organizing and directing the programs of the Commission in accordance with the Rhode Island Historic Preservation Act, Antiquities Act, and other authorities and to be responsible for the enforcement of the Commission's regulations.~~

~~To be responsible for planning, organizing and directing the programs of the State Historic Preservation Office in accordance with the National Historic Preservation Act and other federal authorities and as authorized to act on behalf of the State Historic Preservation Officer.~~

~~To develop a budget and annual work program for the Commission's activities based upon state and federal funding.~~

- To prepare, update, and revise a state historic preservation plan and to select projects for historical, archaeological, or architectural study.

- To maintain information relating to the state's historical resources, to keep the State Register of Historic Places, to administer nomination of properties to the National Register of Historic Places.

- To advise state agencies regarding the identification, care, use, and treatment of historic properties within their jurisdiction or control; and to consult with federal, state, municipal, and private entities regarding the effect of their activities on historic properties.

- To approve or certify restoration or rehabilitation projects for state or federal grants, loans, or tax incentives.

- To advise municipal officials on historic preservation; to assist historic district commissions; to certify and administer a program of financial assistance to eligible cities and towns.

- To present completed work in written reports or orally to the Commission, public bodies, the general public and/or the media; and to participate in state and national historic preservation organizations and conferences.

- To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

- KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of the principles and practices of historic preservation and the ability to apply such knowledge in planning, organizing, directing and administering the functions and related programs of the Historical Preservation Commission; a thorough knowledge of the methods and procedures required to carry out the relevant programs of historic preservation such as: National Register of Historic Places, environmental review, grants, technical preservation services, historic sites survey, archaeology, public information, and curation; the ability to review historic preservation practices and procedures and to recommend necessary changes; the ability to perform highly complex professional historic preservation functions; the ability to supervise and review studies and the preparation of reports; the ability to maintain continuous evaluation of projects to determine their effectiveness; the ability to plan, organize, coordinate, supervise and review the work of subordinate personnel including professionals in the fields of archaeology, architectural history, history, and architecture; the ability to prepare and monitor an annual budget; the ability to establish and maintain effective working relationships with federal, state, and/or community planning personnel and officials and to provide consultative services as needed; the ability to prepare clear, accurate, informative reports and to make oral presentations; and related capacities and abilities.

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~~EDUCATION AND EXPERIENCE:~~

~~Education: Such as may have been gained through: possession of a graduate degree in history, architectural history, archaeology, or architecture (or a closely related field such as American studies or historic preservation); and~~

~~Experience: Such as may have been gained through: employment as a Supervising Historic Preservation Specialist; or considerable employment in a responsible supervisory position involving the planning, organizing, and direction of a professional and technical staff in a federal, state, municipal, or public or private agency or organization engaged in historic preservation functions.~~

~~Or, any combination or education and experience that shall be substantially equivalent to the above education and experience.~~