

LANDMARK COMMISSION
RULES OF PROCEDURE
(Revised 9-19-07[9.1.05])

DRAFT

SECTION 1. AUTHORITY.

The Dallas City Code provides that the Landmark Commission may adopt rules to govern its proceedings that are not inconsistent with Chapter 8 of that code or state law. These Rules of Procedure establish guidelines to be followed by all persons at a meeting of the Commission, including members of the Commission, administrative staff, news media, and visitors. [City Code, Ch. 51A, Sec. 51A-3.103(d)(4)].

SECTION 2. INTERPRETATION. Unless the context clearly indicates otherwise:

- (A) Words used in the present tense include the future tense.
- (B) Words in the singular include the plural, and words in the plural include the singular.
- (C) These rules apply to all task forces and committees of the Commission.

SECTION 3. DEFINITIONS. Unless the context clearly indicates otherwise:

- (A) BRIEFING means a statement by city staff to the Commission during a meeting concerning a matter on the agenda.
- (B) COMMISSION means the Landmark Commission.
- (C) CHAIR means the presiding officer of the Commission.
- (D) MEETING means a regular, special, or called meeting of the Commission and includes all briefings and official inspection tours.
- (E) MEMBER means a duly appointed member of the Commission.
- (F) OFFICIAL INSPECTION TOUR means a scheduled site inspection on the Commission's meeting agenda.

SECTION 4. DUTIES OF THE CHAIR.

- (A) The chair, when present, shall preside at all meetings. In the absence of the chair, the vice-chair shall exercise the powers of the chair. In the absence of the chair and vice-chair, the Commission shall elect a temporary chair. If the presiding officer ceases to preside during a meeting, and no council-appointed vice-chair is present, the presiding officer may, subject to the approval of the Commission, appoint a temporary chair. The first adjournment puts an end to this appointment

(][City Code, Ch. 8, Sec. 8-9.])]

- (B) A temporary chair may be removed by a two-thirds vote of the Commission. If the temporary chair is removed, a new temporary chair must be elected. This election does not survive the meeting in which it was held.
- (C) The chair shall rule on points of order and procedures that are brought up in meetings; however, a member may appeal to the Commission from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly explain the reason for the appeal and the chair may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The chair shall then put the question "shall the decision of the chair be sustained?". If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. [City Code, Ch. 8, Secs. 8-9(b) and 8-15.]
- (D) In debate, the chair shall be referred to by official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title. [City Code, Ch. 8, Sec. 8-9(d).]
- (E) The chair shall conduct each vote in accordance with Section 11 of these rules.
- (F) The chair shall dispense the business of the Commission in a just and orderly manner, including signing the minutes of each meeting and each certificate of appropriateness in accordance with the decision of the Commission.

SECTION 5. MOTIONS.

- (A) Equal right to make motions. All members shall have an equal right to make a motion on any matter before the Commission.
- 03) Holding motions. When recognized by the chair, a member may state a readiness to make a motion. It is the privilege of the chair, if the chair thinks debate is not ended, to ask the member to hold the motion. The member may defer to the chair's request or make the motion at the member's option. If the recognized member defers to the request, the chair must return to that member prior to accepting a motion from any other member.
- (C) Reconsideration.
 - (1) Unless an item is referred back to the Commission by the City Plan Commission or City Council, a motion to reconsider is the exclusive method by which a matter can again be brought before the Commission after a final vote has been taken.. A motion to reconsider any action of the Commission can be made not later than the next succeeding meeting. Such a motion can only be made by a member who voted with the

DRAFT

prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Commission.

- (2) In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the subject matter is not on the agenda when made, the motion to reconsider must include a date when reconsideration of the previous action is proposed to be placed on the agenda.
- (3) Once an action reaches the floor of the City Plan Commission or City Council, it cannot be changed by the Commission. Once an action can no longer be changed by the Commission, it may not be reconsidered. Once a certificate of appropriateness is approved by the Commission, it cannot be reconsidered after the meeting in which the certificate is approved.
- (4) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the Commission until at least six months from the date it was last voted on.
- (5) An item referred back to the Commission by the City Plan Commission or City Council is a new item.

SECTION 6. MEETINGS.

- (A) Calendar. The Commission shall adopt a calendar of meeting dates, times, places, and events on a regular basis, to be held at a location within a public building. This calendar should cover no less than a 90-day time period from the date it is adopted. The Commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the members.- [City Code, Ch. 8, Sec. 8-2 and Ch. 51A, Sec. 51A-3.103(d)(1).]
- (B) Placement of items on the agenda. The agenda' shall include any item that a member requests be brought before the Commission. The request to place an item on the agenda must be provided to city staff at least 100[74] hours in advance of the day of the meeting at which the member wants the item considered unless the meeting is an emergency meeting, as described by state law, in which case the request to place an item on the agenda must be provided to city staff at least three hours in' advance of the meeting. No person may remove an item from the agenda if a member has requested it in accordance with this paragraph.
- (C) Public notice. The agenda for all meetings shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act and on the City's website. [Texas Government Code Sec. 551.043, and 551.050, and City Code, Ch. 8, Sec. 8-7.]

DRAFT

prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Commission.

- (2) In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the subject matter is not on the agenda when made, the motion to reconsider must include a date when reconsideration of the previous action is proposed to be placed on the agenda.
- (3) Once an action reaches the floor of the City Plan Commission or City Council, it cannot be changed by the Commission. Once an action can no longer be changed by the Commission, it may not be reconsidered. Once a certificate of appropriateness is approved by the Commission, it cannot be reconsidered after the meeting in which the certificate is approved.
- (4) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the Commission until at least six months from the date it was last voted on.
- (5) An item referred back to the Commission by the City Plan Commission or City Council is a new item.

SECTION 6. MEETINGS.

- (A) Calendar. The Commission shall adopt a calendar of meeting dates, times, places, and events on a regular basis, to be held at a location within a public building. This calendar should cover no less than a 90-day time period from the date it is adopted. The Commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the members. [City Code, Ch. 8, Sec. 8-2 and Ch. 51A, Sec. 51A-3.103(d)(1).]
- (13) Placement of items on the agenda. The agenda shall include any item that a member requests be brought before the Commission. The request to place an item on the agenda must be provided to city staff at least 100[74] hours in advance of the day of the meeting at which the member wants the item considered unless the meeting is an emergency meeting, as described by state law, in which case the request to place an item on the agenda must be provided to city staff at least three hours in advance of the meeting. No person may remove an item from the agenda if a member has requested it in accordance with this paragraph.
- (C) Public notice. The agenda for all meetings shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act and on the City's website. [Texas Government Code Sec. 551.043, and 551.050, and City Code, Ch. 8, Sec. 8-7.]

DRAFT

- (5) The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. City Code, Ch. 8, Sec. 8-19.]1
- (6) A member stopped from voting on a matter for reasons of financial interest shall:
 - (a) refrain from discussing the matter at any time with any other member of the Commission or any other body that will consider the matter;
 - (b) leave the room during the debate and hearing; and
 - refrain from voting on the matter. City Code, Ch. 8, Sec. 8-14.]1
- (G) Required statement. Each person who speaks at a public hearing must state his or her name, address, and, if applicable, who he or she represents.
- (H) Hearings for Certificates of Appropriateness.
 - (1) Applications. An application for a certificate of appropriateness must be submitted in writing to the director of development services on a form provided by the city. The application must include two copies of all plans and other documents related to the work. City Code, Ch. 51A, Sec. 51A-4.501.]1
 - (2) Consent and - discussion agenda. [deekets]. The applications shall be divided into a consent agenda [docket] and a discussion agenda [desk]. The applications on the consent agenda [docket shall be grouped together and the Commission shall take one vote on that entire agenda [docket]. Unless the Commission takes an application out of order in accordance with Section 6(E) of these rules, the Commission must vote on the consent agenda [docket before voting on any application on the discussion agenda [docket]. Prior to the vote on the consent agenda [deeket], any member or city staff may remove an application from that agend [docket] and place it on the discussion agenda [desk]. The applications on the discussion agenda [docket] shall be grouped' by historic district' and the districts shall be taken in alphabetical order, unless the Commission takes an application out of order in accordance with Section 6(E) of these rules.
 - (3) Procedure. Each public hearing concerning an application for a certificate of appropriateness must be conducted in the following order:

DRAFT

- (a) City staff shall give a briefing concerning the application, including the address of the property for which the application has been made and a summary of the proposed work.
 - (b) If applicable, city staff shall lead an official inspection tour of the property for which the application has been made.
 - (c) City staff shall state the staff recommendation regarding the application.
 - (d) The chair, or [in the chair's absence,] a member selected by the chair [of the task force that reviewed the application], shall state the task force recommendation regarding the application.
 - (e) Each side of the issue shall have a maximum of 15 minutes to make a presentation, but no person may speak for more than five minutes. Those persons who want the Commission to approve the application shall speak first. The applicant has the right to be the first speaker. After each person has finished speaking, any member may question the speaker. The questions and answers shall not count against the time allocated to that side. All evidence presented to the Commission during this time shall be placed in an appropriate file by the Commission's secretary.
 - (f) After giving members an opportunity to ask questions, the chair shall close the public hearing. Each member may then address the Commission in accordance with Section 6(F) of these rules. After debate has been closed, the chair shall call for a motion regarding the application.
 - (g) The Commission may alter the time limits in this subsection by a majority vote.
- (I) Intermissions. Intermissions may be taken at regular intervals during meetings. The length of the intermission shall be announced by the chair, and members must return to their seats in the meeting room promptly at the conclusion of the intermissions.

SECTION 7. CONDUCT OF MEMBERS.

- (A) While in the meeting room during a meeting, members shall comport themselves at all times in a manner consistent with the Code of Conduct contained in Article V of Chapter 8 of the Dallas City Code, as amended, and each member shall:
 - (1) not use the telephones in the meeting room;

DRAFT

a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. Members must not, intentionally or knowingly - disclose any confidential government information gained by reason of the member's position pursuant to the city's code of ethics, city Code, Ch. 12A, Sec. 12A-6(b). The Commission may only [shall net] hold an executive session [except] when;

seeking the advice of its attorney about - pending or contemplated litigation, settlement offers, or any matter in which the duty of the commission's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act;

deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

W deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

L deliberating the appointment, employment, evaluation, reassignment duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing;

deliberating the deployment, or specific occasions for implementation, of security personnel or devices; or

discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. (Texas Government Code Chapter 551, Subchapter D)[it is considering the

discussing complaints about or evaluations of individual staff members,

(1) pending or contemplated litigation;

(2) settlement offers;

(3) risk of liability of the Commission or individual members thereof for taking an action; or

DRAFT

a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. Members must not intentionally or knowingly disclose any confidential government information gained by reason of the member's position pursuant to the city's code of ethics. [City Code, Ch. 12A, Sec. 12A-6(b).] The Commission may only [shall net] hold an executive session [except] when;

seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the commission's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act,

LU deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

LU deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;

deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing

F deliberating the deployment, or specific. occasions for implementation, of security personnel or devices or

discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Texas Government Code - Chapter 551, -Subchapter D1[it is considering the ~~merits or deficiencies of an individual potential appointee to a task force, discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:~~

- (1) pending or contemplated litigation;
- (2) settlement offers;
- (3) risk of liability of the Commission or individual members thereof for taking an action; or

DRAFT

- (1) any matter where the duty of the Commission's counsel to his client, Texas, conflicts with the Open Meetings Law. (Texas Gov't Code §551.071 ctseq.)
- (B) A motion to go into an executive- session must be seconded and requires a majority vote. If the motion passes, the Commission shall follow the following procedure:
- (1) The chair shall announce that the Commission is going into an executive session, identifying the section of the Texas Open Meetings Act under which the executive session is held.
 - (2) The chair shall announce the time.
 - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
 - (4) The chair shall announce the date and time at the beginning of the executive session.
 - (Q) The executive session must be tape recorded.
 - (O) The chair shall announce the date and time at the end of the executive session.
- (2[4]) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
- The chair shall announce the date and time when the Commission resumes the open meeting. [Texas Government Code Chapter 551, Subchapter E; Dallas City Code &8-6(b)1
- (C) No formal vote shall be taken in an executive session on any matter under consideration, nor shall a member enter into a commitment with another member respecting a vote to be taken subsequently in a public meeting of the Commission.

DRAFT

SECTION 10. ATTENDANCE.

- (A) All members must comply with the attendance rules set forth in Chapter 8 of the Dallas City Code. No member shall be excused from attendance at a meeting unless for medical reasons certified to by a physician or unless excused by the commission and the city council. A member having three unexcused absences in succession shall forfeit membership on the commission. A member who is absent from more than 25 percent of the regular meetings during any twelve month period, whether excused or not, shall forfeit membership on the Commission. Any office that has been forfeited under the provisions of this subsection shall be filled for the remainder of the term by appointment of the city council. For purposes of this subsection, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. [Dallas City Charter Chapter XXIV, §17; Dallas City Code Ch. 8, Sec. 8-20]
- (13) A member may not leave a meeting without acknowledgment by the chair. A member who leaves a meeting after the Commission has been duly called to order and is absent for the remainder of the meeting without first obtaining the consent of the chair shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [City Code, Ch. 8, Sec. 8-21.]
- (C) A member absent from the meeting room because of a conflict of interest is not absent for purposes of the attendance rules.
- CD) A member who certifies visiting one or more, but not all, of the scheduled sites visited by the inspection trip is absent for the purpose of the attendance rules. A member will be counted absent unless the member attends both the inspection trip and the meeting, or the member represents that, a personal inspection has been made of each location visited by the inspection trip and attends the meeting. A member can certify inspection trip attendance by submitting a "Personal Inspection of Sites form to the Commission secretary. [Dallas City Code §8-20.1

SECTION 11. VOTING AND VOTING QUALIFICATIONS.

- (A) Every member present when a question is put shall vote either "yes" or "no" unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member must be physically present in the meeting room to vote except that a member who is present during the meeting in accordance with Section 10 of these rules who does not vote and who is not prevented from voting by a conflict of interest shall be recorded as having voted in the affirmative, unless the member

DRAFT

has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [City Code, Ch. 8, Sec 8-17.]

- (03) The chair shall state[, ~~or direct a member to state.~~] each motion before it is submitted for a vote. The chair[, or ~~a member of city staff as directed by the chair.~~] shall then call for an affirmative and negative vote, and announce the result. [City Code, Ch. 8, Sec. 8-11.]
- (C) A roll call vote shall be taken upon the request of any member. [City Code, Ch. 8. Sees. 8-11 and 8-18.]
- (D) **Once cast and called out, no vote may be changed except through a reconsideration in accordance with Section 5(C) of these rules. Votes called out in error must be corrected immediately on the public record. Votes registered improperly in the minutes may be corrected by following the procedure set forth in Section 12 of these rules.**

SECTION 12. MINUTES.

- (A) Within five [] long] days of any meeting, a list- of members absent from the meeting, and a draft of the minutes from that meeting must be filed in the office of the city secretary (or the Commission secretary in the case of a task force or committee meeting). [[(]City Code, Sec. 8-8.[)]]
- (B) The draft of the minutes shall be distributed to the Commission no later than the second official meeting after that meeting.
- (C) Corrections to the minutes ~~may be~~ submitted ~~to~~ the secretary of the Commission at any time up until the second official meeting after the meeting at which the draft was distributed.
- (D) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall incorporate the changes.
- (E) If corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall prepare the portion of the official record relied on in the preparation of the draft and present it to the Commission. The Commission shall vote, after hearing' the record, whether to accept the correction as submitted, modify the correction, or let the minutes stand.
- (F) The approved minutes shall be filed in the office of the city secretary within five [fig] days of the meeting at which the minutes were approved. rcity Code, Sec. 8-8.

DRAFT

SECTION 13. ENFORCEMENT.

Members, citizens, and other visitors shall be removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the Commission or the City Code. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the Commission shall require the chair to act. [City Code, Ch. 8, Sec. 8-22(f) and 8-25(c).]

SECTION 14. TASK FORCES.

(A) Purpose.

- (1) Task forces provide technical expertise to property owners so that renovations, alterations, , and new construction will be historically appropriate, consistent with the preservation criteria, and in keeping with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.
- (2) Task forces make recommendations to the Commission on applications for predesignation certificates of appropriateness, certificates of appropriateness (other than routine maintenance), certificates for demolition or removal, and certificates of eligibility.

(B) Creation. The Commission may create task forces as needed. All task forces must be listed on the Commission's website. The list of task forces may be amended in the rules and on the website as task forces are added or deleted without the approval of city council. Additional task forces subject to the rules in this section may be created and added to these lists without city council approval. Task forces may be discharged and removed from the lists upon the request of owners of property within the historic district and a 2/3 vote of the Commission. The task forces of the Commission as of July 9, 2007 are:

- (1) Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks.
- (2) Fair Park.
- (3) Peak's Suburban and LaVista Court.
- (4) Swiss Avenue and Munger Place.
- (5) South Boulevard-Park Row.
- (6) State Thomas and Wilson Block.
- (7) Wheatley Place and Tenth Street.
- (8) Winnetka Heights and Lake Cliff.

DRAFT

- O Junius Heights.
- (C) Nominees.
 - (1) The city staff will assemble a list of nominees to the task forces. Nominees will be solicited from, but not limited to, neighborhood associations, current task force members, the associations listed in Section 51A-3.103(a)(2) of the Dallas Development Code, and other community associations.
 - (2) All nominees must submit an application to the Commission. Professional nominees must also submit a resume to the Commission. The resume, if required, and the application must be submitted to the Commission prior to appointment.
- (D) Qualifications. Regular and alternate members of **task** forces must meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of task forces must meet, at the time of appointment and during the entire period of service, all qualifications for appointment.
- (E) Appointment.
 - (1) All appointments to task forces, other than ex officio members, must be approved by the Commission.
 - (2) The Director of the Department of Development Services, with the assistance of the Director of the Department of Code Enforcement, will assign the ex officio members to the task forces.
 - (3) Any vacant position on a task force must be filled by the same process for original appointment, regardless of when the vacancy arises.
- (F) Membership.
 - (1) The membership of each task force must include seven regular members.[-.]
 - (a) All task forces other than the Fair Park task force must consist of two residents or property owners from each historic district within the task force area(except]
four residents or property owners [for South Boulevard
Fair Park) (except four residents or property owners] from the historic districts within the task force area [collectively

DRAFT

for the Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks task force];

- {(b)} ii one architect; and
- iii) two professionals in the fields of history, art, architecture, architectural history, urban history, urban planning, urban design, historic real estate development, landscape architecture, real estate appraisal, archeology, or historic preservation.

The Fair Park task force has unique constraints and requirements because Fair Park has a single owner - the City of Dallas, it is a National Historic Landmark and a State Archeological Landmark it has been the site of the state fair of Texas for over 100 years, and the majority of the money spent on improvements in Fair Park is public money, including City of Dallas bond money. Due to these constraints, the Fair Park task force must consist of-

- (i) a representative of the State Fair of Texas, a representative of Friends of Fair Park, and a representative of one other stakeholder or tenant of Fair Park
 - i four professionals in the fields of architecture, historic preservation, engineering, landscape architecture, architectural history, urban design and planning, archeology, or historic real estate development, all of whom have experience with historic preservation. Of the professional members, at least two must have architectural or engineering training and at least two must have demonstrated active professional historic preservation expertise for at least 10 years. One professional member may satisfy more than one of the minimum requirements for professional members.
- (2) At least two of the architects or professionals, as listed above in Subsections (F)(1)(a)(ii)(b)) and (iii)(e)), must not be a resident or own property within the task force area.
 - (3) In addition to the regular members, two alternate members may be appointed to serve in the absence of the regular members. Of the alternate members appointed to serve on the Fair Park task force, one must be a representative of a stakeholder as described in Subsection (F)(1)(b)(i) and one must be a professional with experience in historic preservation in one of the fields listed in Subsection (F)(1)(b)(ii).
 - (4) A code compliance officer and a member of city staff will serve as ex officio members to each task force.

DRAFT

- (5) Members of the Commission may not serve on task forces.
- (6) A person may serve on more than one task force (provided the person meets the requirements for service).
- (7) Each task force member must provide a phone number that may be made available to the public.
- (8) For [the Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks task force; the Fair Park task force; and _____] task forces[t] comprised primarily of nonresidential districts, representatives from the entities that use or are located in these districts may also be considered "residents or property owners."

(G) Officers.

- (1) The task force chair must be elected by the regular members at the first meeting after appointment of the task force. If the task force fails to elect a task force chair, the chair of the Commission will select a task force chair.
- (2) The task force chair must:
 - (a) enforce rules of order and decorum.
 - (b) encourage regular attendance by members, and ensure that attendance records are kept by city staff.
 - (c) sign the task force recommendation reports.
 - (d) - ensure that meetings are recorded using audio cassettes or other appropriate electronic media or that [the] minutes of the task force meeting are kept by city staff.
 - (e) ensure that site visits are made when necessary.
- (3) The task force shall [may] elect a vice-chair [and secretary]. In [The task force may assign appropriate duties to] the absence of the chair, the vice-chair shall exercise the powers of the chair [secretary].

(H) Terms.

- (1) Appointments are approved for a two-year period running concurrently with the terms of the members of the Commission. Members of the task forces must reapply every two years concurrently with appointment of the Commission.

DRAFT

- (2) A member may remain on the task force until that member is reappointed or replaced, except as limited by this paragraph (2). A person who has served as a regular task force member for four consecutive two-year terms (a "term-limited member") must resign from the task force even if a replacement task force member has not yet been appointed, with the exception that no more than two term-limited members may be removed from the task force in any one-year period. For the purpose of determining the number of terms a Fair Park task force member has served, the beginning of the member's length of service is deemed to be the later to occur of the member's date of appointment or August 31, 2007. The member must be removed in the order of length of service, i.e. the member who has served the longest must be removed first if multiple regular members become term-limited. A term-limited member is ineligible to serve on that same task force until at least one term has elapsed. In determining whether a full term has been served, the definition of "term" that applies to city council members in Chapter III, Section 3A(c) of the city charter, will apply to task force members.
- (3) A task force member who fails to perform the duties required or fails to comply with the rules of conduct set forth in Section 7 may be discharged at any time by a two-thirds vote of all members of the entire Commission.

(I) [Quefum-

A quorum consists of a simple majority of the task force members.

~~f~~ If the task force is unable to obtain a quorum, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present must complete the task force recommendation report, noting that the task force was unable to obtain a quorum, and the individual task force members' comments may be forwarded to the Commission as comments only. Failure of a task force to obtain a quorum

I

DRAFT

Attendance.

- (1) A member shall not be excused from attendance at a task force meeting, unless for medical reasons certified to by a physician or unless excused by the task force and the Commission.

A task force member who has unexcused absences for ~~is absent from~~ more than 25 percent of the regularly scheduled meetings in any 12 month period ~~[, whether excused or not,]~~ shall forfeit membership on the task force.

- (3[2]) A member is counted as present if a regularly scheduled meeting is canceled.

A position on a task force that has been forfeited due to insufficient attendance shall be filled for the remainder of the term by appointment of the Commission.

- ([4]) The record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment.

If a task force schedules a site visit, a member will be counted absent unless the member attends both the site visit and the meeting, or the member represents that a personal inspection has been made of each location and attends the meeting.

(I[K]) Meetings.

- (1) Each task force must have a regularly scheduled monthly meeting, except that a task force need not meet if it has no business.
- (2) Each task force, after consultation with city staff, shall set a regular, fixed meeting date, time, and location.
- (3) Special meetings may be called by the task force chair when necessary.
- (4) All task force meetings (special and regular) are open to the public. All task force meetings (special and regular) must comply with the Texas Open Meetings Act.
- (5) City staff must notify any interested person or association of the date, time, and place of each task force regular and special meeting.
- (6) Task force meetings must be conducted in accordance with "Robert's Rules of Order." All persons present at task force meetings must:
 - (a) preserve order and decorum.

DRAFT

- (b) not delay or interrupt the proceedings.
- (c) obey the orders of the task force chair.
- (d) accord the utmost courtesy to each other, city employees, and the public.
- (e) refrain from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities.

(K[b]) Agendas.

- (1) City staff must supply an agenda to the task force, the designated contact person for the appropriate neighborhood [aa]or neighborhood association, and any persons who request to receive task force agendas.
- (2) The task force, with the assistance of c [G]ity staff, will identify the sections of the historic district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties relevant to each item at the meeting.
- (3) The task force agenda must be posted, on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act, and on the City's website.

(L[M]) Task force recommendation reports and minutes.

- (1) Every task force member who is present at a meeting must vote, except that a task force member may not vote if the task force member would be prevented from voting by Section 12A-3, "Improper Economic Benefit," of the Dallas City Code if the task force member were considered as a "city official." A member's ownership of property in the neighborhood, but not the subject of the case before the task force, does not constitute a financial interest in case. The member may participate in the meeting other than to vote, but must disclose the relationship that prevents the member from voting.
- (2) If a historic district ordinance requires notice to the neighbors, a task force member living within the notification area must vote unless otherwise prohibited from voting by paragraph (1), but the member must disclose to the other members that he or she lives in the notification area, and this must also be disclosed on the task force recommendation report.

The task force recommendation must be made independently of the city staff recommendation. It is the city staffs role to provide technical information and analysis at the task force meeting.

DRAFT

[-]) An official task force recommendation may be prepared only when there are physically present a simple majority of the number of regular members of the task force, regardless of the total number of members actually provided for the task force, except that an official task force report may not be provided if fewer than three members are present. If a sufficient number of members are present, t[T]he task force chair must complete a written official task force recommendation report on each application. The official task force recommendation report must indicate:

- (a) The date, time, and location of the meeting.
- (b) The task force members present.
- (c) That a sufficient number of members were present to provide an official task force recommendation[Whether a quorum was obtained].
- (d) Whether a site visit was made.
- (e) The votes of the members.
- (f) The recommendation of the task force.
- (g) The basis for the recommendation of the task force.
- (h) Any dissenting opinions.

The name and address of each party who spoke in favor of, or in opposition to, each application.

- (fi) Any number of task force members may attach any number of individual comments to the task force recommendation report. An individual comment must be provided separately from the report, clearly indicating that it is an individual comment from the named member.

If the task force is unable to prepare an official task force report due to a lack of sufficient members at the meeting, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present must prepare an informal recommendation. An informal recommendation must specify that it is not an official task force recommendation due to a lack of sufficient number of members at the meeting, but the informal recommendation should otherwise be presented in the format of an official task force recommendation report. The lack of an official task force recommendation does not prevent the Commission from taking action on an application. The informal recommendation report must indicate:

DRAFT

Oa The date, time, and location of the meeting.

The task force members present.

That an insufficient number of members were present to provide an official task force recommendation and that the report is only an informal recommendation.

U Whether a site visit was made.

Le,) The votes of the members.

● The informal recommendation of the task force members present.

The basis for the informal recommendation of the task force members present.

Qh Any dissenting opinions.

● The name and address of each party who spoke in favor of, or in opposition to, each application.

● Any number of task force members may attach any number of individual comments to the informal recommendation report. An individual comment must be provided separately from the report, clearly indicating that it is an individual comment from the named member.

(6 [4]) Each task force must keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media. [City staff will prepare the minutes for each task force.]

All actions of the task force are public. Task [and copies of the minutes ask] force recommendation reports must be made available by the city staff to the public upon request. Recordings of task force meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Open Meetings Act. At the earliest possible time, City staff must send a copy of the task force recommendation report and the city staff recommendation to the property owner and the designated contact person for the appropriate neighborhood [] or neighborhood association.

Task forces are advisory to the Commission. As such, actions taken or recommendations made by a task force are not binding on the Commission.

(M[N])Training.

DRAFT

(1) The Commission, with the assistance of preservation professionals and city staff, must provide training and reference notebooks to task force members at least once per year. The annual training is intended to supplement the basic training that members receive before serving as a task force member.

(2) No person may serve on a task force until the person has received an initial briefing, geared to the level of expertise of the member on historic preservation, that includes at least the following topics: the city of Dallas historic district enabling ordinance, the historic district ordinance governing the task force's district, the Secretary of the Interior's Standards, the rules of procedure for the task force, and the Texas open meetings act [: - 1. Staff must provide an information packet for the briefing that includes copies of all of these regulations. The briefing may be provided by city staff, a landmark commissioner, or a current member of that task force.

M Task force members are strongly encouraged to attend the training described in Paragraph (M)(1) at least once per year.

C Advocacy. A task force member may not appear before the Commission as an advocate involving a case on which his or her task force has made a recommendation.

Unfair advancement of private interests. A task force may not use his or her official position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure for any person (including himself or herself) an form of special consideration treatment exemption or advantage beyond that which is lawfully available to every other person or organization.

Reciprocal favors. A task force member may not enter into an agreement or understanding with an other person that official action by the official or employee will be rewarded or reciprocated by the other person.

DRAFT

SECTION 15. COMMITTEES.

- (A) General [Standing Committee]. These rules apply to all committees of the Commission, except as modified by Section 16. [Y. _____]
Commission are:
- (1-) Designation.
Endangered neighborhoods,
 - (3) Evaluation and research.
 - (4) Historic sites
 - (5)
 - (?)
 - (7) Publicly owned sites.]
- (B) Standing[Other] committees. The designation committee is a standing committee. Other committees. [Committees other than standing committee] may be appointed from time to time by the Commission.
- (C) Committee rules.
- (1) Each committee shall determine its meeting times. [The date, time, and agenda.]
 - (2) All committee meetings (special and regular) are open to the public. All committee meetings (special and regular) must comply with the Texas Open Meetings Act.
 - W Each committee must keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media.
 - (4.) All actions of a committee are public. Committee recommendation reports must be made available by the city staff to the public upon request. Recordings of committee meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Open Meetings Act.
- tQ A committee may be discharged by a two-thirds vote of the entire Commission or upon completion of the task for which the committee was created.

fl~aFr

(6[3.]) Any item may be taken from a committee and considered by the Commission upon a majority vote of the Commission.

(2[4]) A committee shall undertake its duties as directed by the Commission.

(8[5]) Committees are ' advisory to the Commission. Actions taken or recommendations made by a committee are not binding on the Commission.

(D) Creation, Membership, and Appointment of Committees.

(1) All committees are created and appointments approved by the Commission.

(2) Members of committees, and the chair of each, are appointed by the chair of the Commission subject to the approval of the Commission. A potential nominee to a committee [forco] must fill out the Commission-approved service form- and these forms must be furnished to the Commission at the time of the nomination. Members of committees must be voted on, if at all, as a group and not individually. If no objection is raised within 30 days of the appointments, the appointments are approved for a two-year period that runs concurrently with the terms of the members of the Commission. Any vacant position on a committee must be filled by this process, regardless of when the vacancy arises.

Attendan& The chair of the committee or a member of the Commission may ask for a committee member's removal for lack of attendance.

Q Qualifications. Regular and alternate members of committees must meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of committees must meet, at the time of appointment and during the entire period of service, all qualifications for appointment. A commissioner who is a member of a committee must comply with Section 8-1.4 of the Dallas City Code in its entirety.

CG Officers.

The chair of each committee must:

(aJ enforce rules of order and decorum.

fbJ encourage regular attendance by members, and ensure that attendance records are kept by city staff.

U ensure that committee meetings are recorded using audio cassettes or other appropriate electronic media or that minutes of each meeting are kept by the committee secretary.

DRAFT

Each committee shall elect a vice-chair. In the absence of the chair, the vice-chair shall exercise the powers of the chair.

LU Each committee shall elect a secretary. The secretary shall keep meeting minutes if a recording device is not available.

Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to a committee, regardless of the total number of members actually provided for the committee, except that a quorum may not be fewer than three members.

~I Agendas. The agenda of each committee meeting must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act and on the City's website.

~J Unfair advancement of private interests. Committee members must comply with Section 12A-4(a) and (b)(3), "Unfair Advancement of Private Interests," of the Dallas City Code as if they are "city officials."

(K) Improper economic benefit. A committee member may not vote on an item if the committee member would be prevented from voting by Section 12A-3., "Improper Economic Benefit," of the Dallas City Code if the committee member were considered as a "city official."

SECTION 16. DESIGNATION COMMITTEE.

Genet. Except as modified in this section, the rules governing committees in Section 15 apply to the designation committee.

(B) Purpose.

The designation committee identifies historic properties and neighborhoods that merit designation as city historic districts.

The designation committee provides guidance to property owners and neighborhood activists in the preparation of designation reports.

The designation committee makes recommendations to the Commission concerning the establishment of city historic districts and their accompanying preservation criteria.

The designation committee makes recommendations concerning changes to existing preservation criteria when requested by the Commission.

Membership

LU In addition to the regular members of the ' designation committee, two alternate members may be appointed to serve in the absence of regular members.

Members of the Commission may serve as voting members.

(D) Meetings.

The designation committee must have a regularly scheduled monthly meeting, except that it need not meet if it has nobusiness.

The designation committee, after consultation with city staff, shall set a regular, fixed meeting date, time, and location.

in Special meetings may be called by the chair of the designation committee when necessary.

(EE) Designation committee reports.

LU Every designation committee member who is present at a meeting must vote, except that a committee member may not vote if the committee member lives within the notification area, or would be prevented from voting by Section 12A-3, "Improper Economic Benefit," of the Dallas City Code if the committee member were considered as a "city official."

The chair of the designation committee must complete a written designation committee recommendation report when an item is forwarded to the Commission for consideration. The designation committee recommendation report must indicate:

The date, time, and location of the meeting.

The members present.

The votes of the members.

The recommendation of the designation committee.

The basis for the recommendation of the designation committee.

Any dissenting opinions.

(g) The name and address of each party who spoke in favor of, or in opposition to, each recommendation.

DRAFT

SECTION 17 OTHER RULES OF PROCEDURE.

Unless otherwise specified in these rules, the proceedings of the Commission shall in all cases be governed by rules of order as set forth in the most recent edition of "Robert's Rules of Order_"[:] [(]City Code, Ch. 8, Sec. 8-5.[3]1

SECTION 18 [4-7]. AMENDMENTS TO RULES OF PROCEDURE.

These rules may be amended, supplemented, or changed from time to time by a majority vote of the Commission in conformance with the Dallas City Code, as amended. Any rule not required by state or federal law, or the Dallas City Charter or Dallas City Code, may be temporarily amended or suspended from time to time by a majority vote of the Commission without the approval of City Council.