

**HISTORIC PRESERVATION COMMISSION  
LIVINGSTON MT**

**BYLAWS**

**ARTICLE I—PURPOSE**

The purpose of the Livingston Historic Preservation Commission (HPC) is, through the preservation of historically significant buildings and the creation of a central business district that reflects the cultural and architectural past of the City, to promote the tourist industry; to inform property owners within the historic districts of potential tax incentives and federal grants that might be available for the preservation of those historic structures; and to enhance the property values and increase economic and financial benefits to the City and its residents through the preservation of historic buildings.

**ARTICLE II—POWERS**

Under Chapter 31, Historic District Zoning (Ord. 2054, March 2015) of the City of Livingston Municipal Code, the HPC has the power, directly or indirectly, alone or in conjunction or cooperation with others, to do any and all lawful acts which may be necessary or appropriate to effect the purposes for which the HPC is organized, and to aid or assist others whose activities further accomplish, foster, or attain such purposes.

**ARTICLE III—MEMBERSHIP**

**3.01 Membership.** The Chairman of the Livingston City Commission shall appoint, by and with the advice and consent of the City Commission, each member of the HPC. Initially two members shall be appointed for a term of two (2) years; all other members shall be appointed for terms of three (3) years. Except as may otherwise be required by law or these bylaws, any right of HPC members to vote shall cease and divest upon termination of membership.

**3.02 Qualifications.** HPC commissioners must reside within the City or own property within the downtown historic district, be at least 18 years of age, a registered voter, a citizen of Montana and of the United States, and, insofar as possible, hold the professional expertise listed in Ord. 2054, §31.05A. HPC commissioners shall not hold any other public office under the City.

**3.03 Compensation.** HPC commissioners shall receive no compensation for services rendered.

**3.04 Removal from Office and Resignation.** Upon majority vote of HPC members then in office, an HPC commissioner may be removed from office for inefficiency, neglect of duty, or misconduct in office. Unless prior notice is given to and approved by the Chairperson, absences from four (4) meetings in a calendar year will constitute due cause for dismissal. Valid absences may include, but are not limited to, vacation, illness, and business travel. Any HPC commissioner may resign at any time by giving written notice to the Chairperson. The resignation shall take effect upon receipt of said notice.

**3.05 Duties.** The HPC shall administer the Historic District Overlay Zoning, under the authority granted by Chapter 31 of the City of Livingston Municipal Code.

#### **ARTICLE IV—MEETINGS**

**4.01 Time and Place of HPC Meetings.** The HPC shall meet at 3:30 pm on the second Tuesday of each month in the City-County Building, or at such other time and place as may be properly noticed.

**4.02 Business to be Conducted.** The HPC shall address the items listed on the agenda prepared by the Preservation Officer. In addition to applications for Historic District Review Certificates, from time to time business may include items requested by HPC members, such as special projects proposed for HPC review and/or execution.

**4.03 Nomination and Election of Officers.** At the first meeting of each calendar year, the HPC shall nominate and elect a Chairperson and a Vice Chairperson. The Preservation Officer shall serve as the Secretary.

**4.04 Quorum.** As provided in Ord. 2054, §31.05.C, three (3) HPC members shall constitute a quorum.

**4.05 Voting Rights.** Each HPC member shall be entitled to one (1) vote on each matter under consideration. Records of the vote of each member shall be recorded by the Preservation Officer.

**4.06 No Proxy Voting.** HPC members may not use or consent to items by proxy.

**4.07 Open Meetings, Public Access.** The HPC Preservation Officer shall keep minutes of all proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of HPC examinations and other official actions, all of which shall be immediately filed in the office of the HPC and shall be a public record, as required by Montana Code Annotated, 2011, §76-2-325.

## **ARTICLE V—OFFICERS**

**5.01 Term of Office.** The Chairperson and Vice Chairperson shall each serve a term of one year, and may not serve more than three consecutive terms of office. The Secretary, who is the Preservation Officer, shall serve permanently.

**5.02 Chairperson.** The Chairperson shall lead the HPC in performing its duties and responsibilities, including presiding at all HPC meetings and performing such other duties as properly incident to the office or required by these bylaws or city ordinance.

**5.03 Vice Chairperson.** In the absence of the Chairperson, the Vice Chairperson shall perform the Chair's duties and enjoy all the powers of the Chair and be subject to all restrictions upon the Chair.

**5.04 Chair Pro Tem.** In the absence of the chair and the vice-chair, a chair pro tem shall be elected informally by the members present to conduct the meeting once it has been determined that a quorum is present.

**5.05 Secretary.** The Secretary shall keep a book of minutes of all HPC meetings and actions. The minutes of each meeting shall state the time and place it was held; list the commissioners, applicants, and guests present, as well as such other information necessary to determine the actions taken and whether the meeting was held in accordance with the law and these bylaws. The minutes from the prior meeting shall be presented to the HPC for its review and approval.

The secretary also shall prepare the agenda for each meeting and shall cause notice to be given of all meetings.

**5.06 Preservation Officer.** The Preservation Officer shall be an employee of the City of Livingston and shall perform all duties required under Ord. 2054, §31.11. The Preservation Officer shall also serve as Secretary and perform all duties under §§4.02, 4.07, and 5.04 above.

## **ARTICLE VI—AMENDING THESE BYLAWS**

These bylaws may be amended by a vote of the quorum, following written notice of the proposed amendment(s) made at least thirty (30) days prior to the meeting at which the amendment(s) will be considered.