

**STATE PROCEDURES FOR
THE STATE ADVISORY COMMITTEE ON HISTORIC PRESERVATION**
(Last revised February 4, 2011)

Authorization for the State Advisory Committee on Historic Preservation (SACHP) is provided by the 1966 National Historic Preservation Act (Section 101(b)(1)(B)). The general role and composition of the SACHP is outlined in the federal regulations 36 CFR 61.4(f)(1-6), while its creation and duties is formally established at the state level by Oregon Revised Statute (ORS) 358.622. The National Register of Historic Places notification and review process follows federal regulations 36 CFR 60. The procedures below should be used as a more specific guide.

1. About the SACHP

- a. **Role:** The responsibilities of the committee include but are not limited to:
 - i. Reviewing nominations for the National Register of Historic Places to determine whether or not a property meets the criteria for significance and making recommendations on eligibility to the State Historic Preservation Officer;
 - ii. Participating in the review of appeals to the Keeper of the National Register of nominations rejected by the State Historic Preservation Officer and providing written opinions on the significance of the property;
 - iii. Providing advice to the State Historic Preservation Officer about documentation submitted in conjunction with the Historic Preservation Fund including but not limited to grant applications, end-of-the-year reports, and the state comprehensive historic preservation planning process;
 - iv. Providing advice, guidance and professional recommendations to the State Historic Preservation Officer on matters relating to federal and state preservation program policies and budgets, including but not limited to grant applications, annual staff work programs and matters relating to the special assessment of historic properties;
 - v. Reviewing properties for acceptance by the Oregon Property Management Account and appointing any other committee or subcommittee necessary to carry out its function;
 - vi. Commenting on Oregon Property Management Account spending;
 - vii. Performing such other duties as may be requested by the State Historic Preservation Officer.

- b. **Composition:** The SACHP shall consist of not more than nine members appointed by the Governor.
 - i. At least one-half of the members shall be from among persons recognized as professionals in the areas of history, architectural history, historic preservation, architecture, archaeology, landscape architecture, museum management, or cultural or ethnic minorities;
 - ii. A representative of the Native American community shall be appointed.

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c. **Quorum and Voting:**

- i. Five members of the Committee shall constitute a quorum. The affirmative vote of a majority of the members present at a meeting at which a quorum is present shall be required for any action by the Committee. The Chair, if present, shall be included in the determination of a quorum and shall participate in voting;
- ii. The State Historic Preservation Officer (SHPO), Deputy SHPO, and Associate Deputy SHPO may participate in discussion of a nomination but shall not be considered members of the Committee;
- iii. Members of the committee should not abstain from voting except on a matter involving conflict of interest, in which case the reason for abstention will have been disclosed;
- iv. A member having an actual or potential conflict of interest, as confirmed by vote of the Committee, may not vote concerning the matter in conflict. If a quorum is present, a majority vote of the five-member quorum or a majority vote of the remaining members voting, whichever is greater, shall be required to approve an action.

d. **Conflict of Interest:**

- i. A member shall publicly announce an actual or potential conflict-of-interest prior to any Committee action on the matter in conflict but need not disclose any monetary value involved. The member shall disclose the nature of the conflict. Each member is responsible for ascertaining and disclosing his or her respective actual or potential conflicts-of-interest, but not conflicts of other members;
- ii. In order to avoid even the appearance of conflict-of-interest in the conduct of the Committee's affairs, each member shall publicly announce the existence of any circumstances that might appear to a reasonable person to pose an actual or potential conflict-of-interest. Upon such disclosure, the remaining members shall determine on a case-by-case basis by a majority vote whether the appearance of a conflict exists.

e. **Terms and Vacancies:**

- i. Members shall be appointed by the Governor to serve for terms of four years;
- ii. Members appointed to fill unexpired terms shall serve for the remainder of the term of the vacating member;
- iii. Unless waived by the Governor under extenuating circumstances (e.g., lack of qualified professionals to represent a required discipline), a Committee member may serve no more than two consecutive terms. However, if the member's original appointment fulfilled the unexpired term of another, he or she may be considered for reappointment twice in succession thereafter;
- iv. Any member who fails to attend two consecutive meetings of the Committee shall forfeit his or her appointment unless prevented by serious illness or the illness of a family member or for any other cause that in the

judgment of the Governor constitutes a valid reason. The Governor shall immediately appoint a successor;

- v. Members shall receive no compensation for their services but, subject to laws governing travel and other expenses of state officers, members are entitled to reimbursement for their actual and necessary travel and other expense incurred in the performance of their duties;
- vi. The Chair and Vice-Chair of the Committee shall be selected by the Governor and shall have such terms and duties as the Committee may prescribe.

2. Meetings

a. Chairmanship:

- i. The Chair shall be responsible for conducting all meetings of the Committee and in the Chair's absence, the Vice-Chair shall be responsible. When the Chair and Vice-Chair are absent or have to be excused from Committee proceedings that are underway, the Committee shall choose an Interim Chair to conduct the meeting;
- ii. The Chair, Vice-Chair or any member of the Committee shall remember that they are seen as representatives of the Committee when they speak on matters pertaining to historic preservation and shall take care not to appear to be speaking for the Committee unless specifically authorized by the Committee to do so. This shall also pertain to written correspondence;
- iii. The Chair, Vice-Chair, or any member of the Committee shall not make decisions or take unilateral action without Committee approval. Decisions shall be made only by the Committee as a whole;
- iv. The Chair with the assistance of staff shall be responsible for maintaining good communication among all Committee members and shall inform all Committee members of activities undertaken on behalf of the Committee, including, but not limited to, public presentations and written correspondence;
- v. Inquiries about Committee issues shall be directed to the State Historic Preservation Officer or his official deputy, who shall see that all Committee members receive full information at a duly constituted meeting.

b. Scheduling and cancellations:

- i. All meetings of the Committee shall be conducted as public meetings and shall be duly announce in accordance with state law;
 - 1. Notice of meetings shall be given at least 24 hours in advance of all special meetings, including meetings that may consider nominations that have been deferred or other items of "carry over" business.
- ii. An official meeting of the Committee may be called by the Chair, staff, or a majority of Committee members. Once called, a meeting shall be cancelled only if a quorum of the Committee members cannot attend or if the person(s) calling the meeting agree(s) to cancel.

c. Location and frequency:

- i. The Committee shall meet at least three times a year, generally in February, June, and October;
- ii. If possible, the Committee shall meet at a location outside of the state capital at least once a year.

3. Nominations

a. Staff handles the following tasks associated with the National Register program:

- i. Sets submission deadlines;
- ii. Conducts initial nomination review;
 1. Staff reviews incoming nominations for adequacy of documentation and technical sufficiency.
 2. Staff prepares revision memos if needed for each nomination preparer. Staff shall include the revision memos in Committee meeting packets.
- iii. Sets draft agenda and modifies if needed;
 1. Neither SHPO staff nor the Committee Chair shall entertain a request to add a nomination proposal to a closed agenda unless both the property owner and head of the affected local jurisdiction waive the normal commenting period.
- iv. Handles all notifications and committee mailings;
 1. Staff notifies nomination preparers, property owners, proponents, elected officials, and certified local governments, before and after each meeting, according to timelines established by federal law.
 2. Public announcements and news releases concerning the Committee's business shall also be made by SHPO staff.
- v. Makes meeting arrangements;
- vi. Takes and prepares meeting minutes; prepares meeting presentations; conducts periodic trainings for Committee members; keeps website updated; and keeps committee and meeting records.

b. Meeting preparation

- i. Committee members shall review all nominations prior to the meeting, and if the Lead Reviewer, be prepared to lead the discussion;
- ii. Members should focus their reviews on the categories outlined in their review sheets:
 1. Integrity
 2. Description
 3. Significance and Context
 4. Facts and Sources
 5. Technical
 6. Supporting Materials
- iii. Committee members are encouraged to view in-person any nominated properties in their area in order to expand their understanding of the

properties. They should, however, respect the property owner's privacy and obtain permission ahead of the visit.

c. Considering nominations:

- i. Normally, consideration of nominations proposals by the Committee shall proceed as follows:
 1. Staff presentation;
 2. Public comment;
 - a. Once staff has presented a nomination, the chairman shall call for comments from the proponent, opponent or other interested parties present. The total time allowed for testimony shall be determined by the chair.
 3. Lead Reviewer comments;
 4. Open discussion by committee members and staff only;
 - a. Technical corrections (typos, etc.) need not be addressed specifically in discussion; they are best handled by providing a marked-up copy of the nomination to staff.
 - b. Committee members shall take care to address comments and remarks to the public audience and testifiers in a tone and manner appropriately kind and professional.
 5. Chair calls for vote.
 - a. Motion should specify the level of significance (local, state, or national), criteria, area of significance, reason(s) the nomination is being forwarded, tabled, or denied, and any requested revisions.

d. Special Issues

- i. *Deferral*: The Committee may, at its discretion, defer conclusive action on a nomination, or, "table" it. Valid reasons for deferral include, but are not limited to, lack of a quorum, lack of sufficient information on which to base professional judgment, or the lack of comments from affected local officials and landmarks commissions, when such comments are considered essential.
- ii. *Denial*: A nomination for which approval has been denied may be reconsidered by the Committee at a later meeting but only if the proponent has resolved the objections or deficiencies in a revised nomination. The reason for the Committee's vote to deny approval can be explained or reviewed for the proponent at the meeting, or relayed to the proponent in writing after the meeting.
- iii. *Amendments*:
 1. *Updates*: Updates to existing nominations that do not change the boundary, area of significance, or period of significance are documented on continuation sheets and brought forward to the committee for a courtesy vote.

2. *Boundary Adjustments*: Changes to boundaries, periods of significance, and areas of significance trigger a new nomination reviewed and voted on in the traditional manner.
 - iv. *De-listing*: A nomination proposed for de-listing shall be considered by following the *State Procedures for Removing Properties from the National Register*.
 - v. *Federal nominations*: The Committee shall provide a courtesy vote on nominations of federally owned property brought forth by federal agencies.
 1. In such cases, the Committee shall vote on whether or not the property meets the criteria of the National Register and the nomination should have the State Historic Preservation Officer's signature of concurrence.
 - vi. *National Historic Landmarks nomination*: The Committee shall provide a courtesy vote and comments to the National Park Service.
 - vii. *Disagreement with the SHPO*: When the State Historic Preservation Officer and the Committee disagree on whether a property meets the National Register criteria, the State Historic Preservation Officer may choose to forward the nomination to the Keeper of the National Register of Historic Places along with both opinions concerning whether or not the property meets the criteria.
4. **Amendment of Procedures**: An amendment to these procedural rules may be adopted by the Committee during any meeting provided the amendment was submitted in writing to the Committee and State Historic Preservation Officer no less than two weeks in advance of the meeting.