

Administrative Rules, Polices and Procedures New Orleans Historic District Landmarks Commissions (HDLC)

Revised & Adopted June 9, 2006

A. Meetings

1. Regular Meetings: Time and Place

Regular meetings shall be held on the second Friday of each month, except when the date falls on a city/state and/or federal legal holiday or there is a state of emergency as declared by the Mayor, in which case the meeting shall be rescheduled to the following Friday or the first Friday that is available after the originally scheduled meeting date.

2. Meeting Location and Changes

Unless otherwise announced by the Commission, all meetings shall be held in the City Council Chambers, 1st floor, City Hall at 9:30 A.M. Any permanent change in time or place shall be approved by a majority of the Commission members, except as authorized elsewhere in the rules.

3. Temporary Meeting Changes: Time and Place

The Chairman, or in his/her absence the Vice Chairman may temporarily change the location and place of meetings, directing the Executive Director to place the proper legal notices of said changes. Permanent changes to either the time or place shall be approved by a majority of the Members, as outlined in section 2.

4. Scheduled Meetings:

a. Annual Meeting: It shall be the first regular meeting in June

- i. Annual report of Chairman: The Chairman shall present an annual report of the state of the HDLC.**
- ii. Election of officers: The Officers of the Historic District Landmarks Commission shall consist of a Chairman and a Vice-Chairman. 1. The Chairman and Vice-Chairman shall be elected to serve one (1) year terms by a majority of the Commissioners present and may, if duly elected by the members, succeed themselves. In the absence of the Chairman or a Vice-Chairman, any Member of the Commission designated or elected by those present at a meeting shall preside. 2 Should the Chairman resign, the Vice-Chairman shall assume the office of Chairman until the next regularly scheduled election of officers. The Commission shall also elect a Vice-Chairman to serve until the next election. 3. The annual election of Chairman and Vice-Chairman shall be held at the**

Commission's regular meeting in June of each year. The newly elected Chairman and Vice-Chairman shall assume their offices on the first day of July following their election.

- iii. Budget Report: The Chairman of the Budget committee & the Executive Director shall present a budget for the upcoming budget year and report of the status of the current year's budget.
 - iv. Appointment of ARC members as outlined in I.4.a
 - b. January Meeting:
 - i. Evaluation of Unclassified Personnel: All unclassified personnel shall receive an evaluation by the Commission.
 - ii. Annual report by Executive Director
 - c. Orientation Meeting:

Upon appointment and confirmation of a new Commission member, the Executive Director shall schedule an orientation meeting for which attendance of the Commission member shall be mandatory. Said meeting shall address all charter, statutory and municipal ordinance obligations of the Commission, delineate how the requirements are being met, introduce the personnel assigned to accomplish same and provide the Commission member with a copy of the Commission's Rules, Policies and Procedures. In addition, the mission and purpose of the HDLC shall be explained. The Chairman shall be invited to attend this orientation.
 - d. Training:

Upon appointment and confirmation of a new Commission member, the Executive Director shall schedule a compulsory training session in accordance with the dictates of Act 859 of the Louisiana Legislature (as applied to La. R.S. 33:101, et seq.)
5. Special Meetings:
Special meetings may be called by the Chairman and/or in his/her absence the Vice-Chairman. Upon notification of such a meeting, the Executive Director shall notify the members not less than 48 hours prior to the date of the special meeting. Such notice shall specify the time and place of the meetings and the matters to be presented to the Commission. Notice of such a Special Meeting shall be published in the official newspaper of the City of New Orleans, unless a State of Emergency is declared as outlined in Section B.
6. Adjourned Meetings:
Should the business before the Commission not be completed, the Chairman may adjourn same from day to day until the matters on the original agenda are disposed of.
7. Open Meetings and Executive Session:
All meetings shall be open to the public except that an Executive Session may be held upon the affirmative vote of two-thirds (2/3) of the voting members present taken at an open meeting for which notice has been given pursuant to La. R.S. 42:7. An Executive Session shall be limited to matters allowed to be exempted

from discussion in open meetings by La. R.S. 42:6.1, provided, however, that no final or binding action shall be taken during such Executive Session, nor shall such Executive Session be used to obviate the purpose of said legislation. The reason for holding an Executive session and the vote of each member on the question shall be stated in an open meeting, shall be recorded and shall be entered in the minutes of the meeting. Executive Sessions may be held for one or more of the following purposes: 1. Discussion of the character, professional competence or physical or mental health of a person, provided that such person is notified in writing at least twenty-four (24) hours before the meeting and that such person may require that such discussion to be held in open meeting. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstance permit; 2. Strategy sessions or negotiations with respect to collective bargaining or litigation, prospective litigation after formal written demand, or litigation when an open meeting would be detrimental effect on the bargaining or litigating position of the public body, 3. Discussion regarding the report, development, or course of action regarding security personnel, plans or devices; 4. Investigation proceedings regarding allegations of misconduct; 5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, or the repelling of invasions, or other matters of similar magnitude; or 6. Any other matters now provided for or as may be provided for by the Legislature. A majority of the Commission members present may invite or direct the Executive Director, the Deputy Executive Director, and/or the City attorney or designee as the only non-Commission members to appear at a meeting closed to the public. This provision shall not restrict or impair any rights or exemptions set forth at La. R.S. 42:6.1

8. Voting/Quorum:

A simple majority of the existing members shall constitute a quorum. The affirmative vote of a majority of the existing members shall be required for the passage of any matter before the Commission unless otherwise specified by the rules or any other legislation. The Chairman or the Vice Chairman, if he/she is presiding cannot vote, except in the case of a tie vote. The failure of a motion to receive a majority of affirmative votes shall constitute no action either for denial or approval. Abstentions shall not be allowed pursuant to the Louisiana Code of Governmental Ethics (La. R.S. 42:1112).

9. Conduct of Meetings:

The Chairman shall preside at all meetings, or in his absence, the Vice-Chairman or as outlined in 4.a.ii. All remarks by the public or the members must first be recognized by the presiding Member. Remarks are not allowed between the public and the applicant unless approved by the presiding Member. No personal remarks or attacks will be allowed, and the Chairman has the authority to ask a member of the public, and/or an applicant to leave the meeting room if he/she deems it is necessary to the proper conduct of the meeting. All remarks should be directed to the merits of the application before the Commission. The

Chairman has the authority to restrict smoking and portable/cell phones in the meeting room, and any other actions he/she feels are needed to properly conduct the business of the Commission.

10. Parliamentary Procedure:

In absence of any provision in these rules to the contrary, the rules of procedure provided by the latest edition of Robert's Rules of Order shall prevail.

11. Order of Business:

In all meetings, the order of business shall be as described on the published agenda unless the Chairman, with the consent of a majority of the members present, elects to change said order of business.

12. Proxy Voting:

In accordance with La.R.S. 42:5, any manner of proxy voting is prohibited.

13. Recusal/Abstentions:

Recusals are only allowed as provided by law. Abstentions or recusals, due to a conflict of interest, from voting are not allowed pursuant to the Louisiana Code of Governmental Ethics (La. R.S. 42:1112).

14. Procedural Questions:

The Chairman shall rule on all procedural questions, subject to reversal by a two-thirds (2/3) majority of the members present.

15. Written Minutes:

Written minutes of all open meetings shall be kept and made available for public inspection. a) Such minutes shall include, but need not be limited to: a. the date, time and place of the meeting; b) the members of the Commission recorded as either absent or present; c) the substance of all matters decided, and at the request of any member, a record of individual member votes taken and d) any other information that the Commission requests be included or reflected in the minutes. The minutes shall be public records and shall be available to the Public within a reasonable time after the meeting except where such disclosures would be inconsistent with La. R.S. 42:6 and R.S. 42:6.1

16. Submissions

- a. All written reports, studies, analyses, comments, critiques, e-mail messages, statements, petitions, graphs, renderings, drawings, photographs, depictions, maps, charts, and other 2-dimensional and 3-dimensional matters related to docket items shall be submitted to the Commission by the close of business on the Wednesday that precedes the regular meeting. Each submission shall include a specific reference to the address of the building in question.
- b. No material (written matter, photographs, maps, etc.) submitted past the above deadline will be accepted by the Commission or its staff for

inclusion in the record. Any such material submitted shall be disposed of and not returned to the submitting party. This provision will not preclude an oral presentation at the regular meeting, subject to temporal constraints otherwise set forth herein.

17. Consent Agenda:

The Consent Agenda shall be considered at the beginning of the meeting (after the adoption of the minutes or as designated by the Chairman) and will contain all applications: a) which have received a recommendation for conceptual approval from the Staff and Architecture Review Committee (ARC); and b) for which the owner/representative agrees with all of the recommendations or provisos stated by the Staff and ARC. These properties shall be considered and approved in globo, meaning they will be voted on as a group rather than individually. Property owners or their designees who have applications fitting the above categories are urged nevertheless to attend the commission meeting, in the event that the commission or a member of the public has some questions or concerns regarding an individual property. If applicants are not in attendance and questions or concerns surface about the property, it may require that the property be removed from the consent agenda and deferred until later in the meeting or until the next regularly scheduled meeting so that the owner or his designated representative can be present to answer any questions or address the concerns of the Commission or public. A majority vote of the commissioners present is required to move an item off the consent agenda and have it placed on the regular agenda. In addition, all preliminary citations for demolition by neglect shall be on the consent agenda.

18. Attendance Policy:

Absent exigent circumstances, it is expected that Commission members will attend a minimum of 75% of Commission meetings during a calendar year. If a Commission member is unable to attend a Commission meeting, he/she should advise the Executive Director as soon as practicable and at least one day in advance. The Commissioner shall state the reason for their absence. The Executive Director shall maintain a roll of attendance, along with the stated reasons for any absence. Within 10 days of a Commission member failing to meet this attendance requirement, the Executive Director shall notify the Chairman; who shall in turn notify both the Mayor & the City Council in writing.

19. Appeals:

Any applicant and/or aggrieved party to an application that is denied by the Commission may appeal to the City Council of New Orleans within 10 days of the date of the action. Said appeal shall be in writing and a written copy must be given the HDLC in addition to the City Council, as per city ordinance.

B. State of Emergency:

During a state of emergency, as declared by the Mayor, the Chairman or in his/her absence the Vice Chairman, has the authority to take what ever actions he/she feels are necessary for the proper functioning of the HDLC, and to allow it to continue to

operate. These include but are not limited to, changing the time and location of meetings and waiving rules and guidelines. In addition, the Chairman may use any available means on communication to attempt to communication with other commissioners including phone, cell, text messages, fax, courier or any other communication method. All such actions shall be on the consent agenda for the next regular commission meeting after the state of emergency has officially ended.

C. Ex Parte Contacts:

1. No member of the Commission should in any way pledge himself/herself to any party or group or in any way express themselves to such party or group prior to a required public hearing or prior to the Commission meeting at which time the matter will be considered.
2. This shall not preclude the discussion by members of procedural or other matters unrelated to the merits of a proposal awaiting Commission consideration.

D. Ethical Procedures:

The Commission Members shall conduct themselves in accordance with Ordinance No. 2625 M.C.S., Code of Ethics for the City of New Orleans and any other state or local laws which are applicable.

E. Officers:

The Officers of the Historic District Landmarks Commission shall consist of a Chairman and a Vice-Chairman. 1. The Chairman and Vice-Chairman shall be elected to serve one (1) year terms and may, if duly elected by the members, succeed themselves. In the absence of the Chairman or a Vice-Chairman, any Member of the Commission designated or elected by those present at a meeting shall preside. 2. Should the Chairman resign, the Vice-Chairman shall assume the office of Chairman until the next regularly scheduled election of officers. The Commission shall also elect a Vice-Chairman to serve until the next election. 3. The annual election of Chair and Vice-Chairman shall be held at the Commission's regular meeting in June of each year, as provided 4.a.ii. The newly elected Chairman and Vice-Chairman shall assume their offices on the first day of July following their election.

F. Staff:

Within the limitations of its approved budget, the Historic District Landmarks Commission may employ an Executive Director and other staff to serve the Commission in carrying out its duties and responsibilities, and to act in its name in accordance with these rules.

G. Official Communications

The Executive Director shall be the Commissions Official Agent to receive and respond to the Official Communications.

H. Discretionary Authority of the Executive Director

1. The Executive Director shall have the authority to make recommendations to the City Council when time does not permit prior Commission consideration, subject to later ratification by the Commission.

2. The Executive Director or Staff shall have the authority to make recommendations or express his/her professional opinion upon the request of the Mayor, Council or other governmental agency or representative; however, his/her actions should be consistent, where feasible, with prior Commission policy.

3. The Executive Director shall have the following authority to express his/her personal professional opinion to the City Council:

- a. On matters upon which the Commission has acted.
- b. On matters upon which the Commission has failed to act.

I. Committees:

Committees shall be established to assist the Commission in accomplishing its mission of historic preservation while at the same time improving constituent services and administrative efficiency. Four outstanding committees shall be appointed as provided for herein, and they shall be:

1. Administrative, Budget, and Hardship Committee. Shall deal with personnel, including searches and recommendations to the Mayor for non classified employees, budget, office, and related administrative issues as well as review of applications for hardship variances. The rules and procedures for hardship variances are outlined in Section K of these rules.
2. Procedures and Rules. Shall deal with operational procedures and policies, documentation and filing procedures, by-laws and general legislative matters, and inspection and enforcement policies.
3. Historic Preservation Committee. Shall deal with issues involving the Architectural Review Committees, Landmark nominations and designations, acceptable alternative materials or procedures, and other related matters.

Commission Committees Organization: The above 3 committees shall be organized as follows:

- a. Standing Committees are to consider, investigate, deliberate and make recommendation for action back to the entire Commission on matters which fall within the general stated purpose of the Committee. Standing committees are not authorized to act independently on behalf of the HDLC. Committees must have a minimum of 3 persons, or as many as seven, as determined by the HDLC Chairman.
- b. The HDLC Chairman shall appoint all Committee Chairmen and members. The Chairman and Vice chairman of HDLC shall be ex-officio members of the Committees. The Vice-Chairman may serve on a committee if appointed.
- c. When a question arises as to which committee a matter should be before, the Chairman of the HDLC shall make the final determination.

- d. Standing Committees will meet regularly, at a time and place to be determined by the chairmen of each standing committee.
- e. Committees shall take minutes of all meetings and provide reports to the full HDLC at the next regular meeting.
- f. The Chairman shall have the right to appoint special committees on specific limited items term issues not covered by the Standing Committee or on issues which will contain a considerable committee of time or resources as determined by the Chairman of the HDLC.

4. Architecture Review Committee (ARC) shall deal with architecture review of new construction, additions, changes or alterations to buildings and other related matters. The Architectural Review Committee (ARC), serves at the discretion of the Commission and shall be composed of staff, Commission members and volunteer architects from the community to assist the staff, in previewing applications prior to public hearing for the purpose of making recommendations to the applicant and Commission. The purpose of the ARC is to act only in an advisory role to the staff and the Commission.

- a. The ARC shall consist of three to five volunteer architects. Nominees are to be selected by the Executive Director and/or the Chairman and shall be appointed to one year terms by a majority vote of the Commission, at its June meeting.
- b. In addition to the architects, the ARC shall consist of the Chairman and/or his/her designee; along with the Executive Director or his designee.
- c. Applications recommended for approval by the staff and ARC, and consented to in writing by the applicant, may be placed on the Consent Agenda for the next commission meeting Meetings of Committees

J. Application Process:

Before the commencement of any exterior work for new construction or the alteration, demolition or reconstruction/repair of any building located in an Historic District or on a Landmark or Landmark Site, whether or not a building permit is required by the Department of Safety and Permits, the applicant shall first apply to the Commission and receive a Certificate of Appropriateness (C of A). The application for a Certificate of Appropriateness is as follows:

1. Such application shall be on a form therefore provided by the Commission, and shall be in the name of the record owner of the site and/or buildings located thereon, the lessee thereof, or a person holding a "bona fide" contract to purchase same. If an application is submitted under a name other than the recorded property owner, a copy of his/her executed lease or the executed "bona fide" contract to purchase must be attached to the application.
- 2 Upon receipt of such application, the Commission staff shall analyze the work proposed. Certificates of Appropriateness shall be issued or denied by the New

Orleans Historic District Landmarks Commission after public hearing. However, with approval of the Executive Director, the staff may issue a Certificate of Appropriateness in the name of the Commission in the following instances:

- a. On blue, green, red and gold rated buildings, the staff may approve structural or architectural modifications, such as siding, window openings and sashes; and the replacement of applied architectural details, such as brackets, cornices, railings, provided that:
 - i. The staff determines and indicates on the Certificate of Appropriateness that the modifications comply with the Guidelines adopted by the Commission, or
 - ii. The staff determines and indicates on the Certificate of Appropriateness that the modifications duplicate as closely as possible the original details of the building.
- b. On unrated buildings, the staff may approve modifications provided that they are compatible in building material, size, scale, texture and detail with those on buildings in the surrounding neighborhood, and provided that these modifications are consistent with the stylistic detailing the building.
- c. On blue, green, red and gold rated buildings, staff approval may be given to make minor modifications on work for which a Certificate of Appropriateness had previously been issued, provided that the staff determines and indicates as an addendum on an existing Certificate of Appropriateness that the modifications do not alter the overall character of the work which had been certified as appropriate.
- d. The staff may approve work consistent with established policy guidelines adopted by the Commission.
- e. The staff may approve demolition of unrated auxiliary structures or additions of not more than 1000 square feet.
- f. Every applicant has the right to have an application for a Certificate of Appropriateness considered by the Historic District Landmarks Commission at a public hearing before the Commission, provided the application is complete. Incomplete applications shall be rejected by the Staff and can not be placed on the Commission agenda until complete. The Executive Director has the authority to determine if an application is complete or incomplete; but may be overruled by the HDLC Chairman.
- g. Models of buildings may be required, at the discretion of the Executive Director or by a majority of the Commissioners. The type, scale and details shall be stated, if said model is required.

be published in the official journal of the City of New Orleans, a newspaper having daily circulation within the City of New Orleans, at least seven (7) business days before the date of said hearing. The completed application must be available at the time of notice of the public hearing. Notices shall be mailed to:

a. All adjacent property owners and to such other persons and/or organizations as the Commission may from time to time determine by policy;

i. The applicant and/or applicant's representative;

ii. The record owner of the property, if different from the applicant;

iii. The Director of Safety and Permits, and the City Planning Commission.

6. No Certificate of Appropriateness may be issued for work to properties with outstanding violations without the approval of the Chairman of the Commission.

7. Certificate of Appropriateness are valid for 6 months from the date of issuance if work specified has not begun, or after a period of six (6) months of no activity. The Executive Director can authorize additional 6 month extensions at his/her discretion. If a C of A is no only valid, it is considered void and a new C of A must be applied for.

K. Hardship Variances.

In the even that an applicant believes that by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances, including financial, applicable solely to him, and that strict enforcement of the provisions of this ordinance would result in serious undue hardship, then the following process shall apply:

1. The applicant shall submit a written request for a hardship variance and describe in detail the hardship claimed. This statement must specify under which provision of Section VII, Part I, Ordinance #5992 M.C.S. the variance is being requested

2. The Chairman of the committee handling hardships shall hold a meeting within 30 days of the written application, with the committee, the applicant, the Executive Director and the Commissioner from the district involved; if the Commissioner is not already a member of the committee.

3. The applicant shall bring all materials and evidence substantiating his/her claim for a financial hardship. These items may include proof of ownership, homestead exemption, amount paid for property, date of purchase, purchase agreements, leases, financial statements for the previous (2) years, assessed value of the land and improvements thereon according to the most recent property assessment, rent rolls, medical reasons, and any other items, material or evidence that the applicant feels will aid the Committee in making its decision.

4. If the property is income producing, it is recommended that the applicant provide the Committee with annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes and other federal income tax

deductions produced.

4. The Committee shall review the hardship and make a recommendation for or against the hardship at the next Commission meeting.

5. All applications shall be received at least fourteen (14) days prior to the date of the scheduled Hardship Review Subcommittee meeting.

L. Landmarks.

In all public hearings concerning landmarks, the procedure outlined in Public Hearing Rules, above, shall apply; the method for establishing landmarks having been provided for in Sections IX and X in Ordinance #5992 M.C.S. Proposed landmark nominations shall be reviewed by the Historic Preservation Committee prior to being placed on the agenda.

M. Resignations:

A Commissioner may resign the commission by sending a letter by U.S. Postal Service to the Mayor, with a copy to both the Chairman and the Executive Director. Said resignation shall be effective the date of said letter. If a Commissioner, who represents a district, moves his domicile outside the district; said Commissioner shall resign within 30 days of the effective date of the change of his/her domicile. If any Commissioner moves his domicile outside of Orleans Parish, said Commissioner shall resign within 30 days of the effective date of the change of his/her domicile.

N. Documents, Submissions, and Meetings: All documents, submissions, models, and other material submitted to the HDLC become the property of the HDLC and shall not be returned. All Commission and Committee meetings are open to the public except as provided otherwise within these rules; and shall meet all public notices required by law and these rules.

These rules shall be in conformance with #5992 M.C.S., revised August, 1980 and shall be ratified by the City Council as required in Section 11.