



**RESOLUTION ADOPTING BYLAWS AND RULES FOR THE  
TRANSACTION OF BUSINESS OF THE CITY OF TUSCALOOSA  
HISTORIC PRESERVATION COMMISSION**

WHEREAS, Ala. Code § 11-68-3(f) and the Code of Tuscaloosa, Alabama § 20-15.27(b) authorizes the Historic Preservation Commissions and The Tuscaloosa Historic Preservation Commission to adopt bylaws and rules for transaction of business, and

WHEREAS, the City of Tuscaloosa Historic Preservation Commission desires to adopt the following bylaws and rules of procedure of the Tuscaloosa Historic Preservation Commission as authorized by Ala. Code § 11-68-3(f) and the Code of Tuscaloosa, Alabama § 20-15.27(b);

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF  
TUSCALOOSA HISTORIC PRESERVATION COMMISSION:**

That the following Bylaws and Rules for Transaction of Business be, and they are hereby, adopted:

BYLAWS AND RULES OF PROCEDURE  
OF THE  
CITY OF TUSCALOOSA HISTORIC PRESERVATION COMMISSION

As Amended and Adopted 2023

**1. POWERS, DUTIES, AND COMPOSITION**

**A.** The powers, duties, and composition of the City of Tuscaloosa Historic Preservation Commission (the “Commission”) shall be as specified in Ala. Code§ 11-68-1 et seq., and in the Tuscaloosa City Code s. 20-15.25 et seq., as amended from time to time.

**B.** The Commission shall initially consist of nine members nominated by the Mayor and appointed by the City Council. Members of the Commission shall serve three-year staggered terms.

Position One	Term Expires May 11, 2010
Position Two	Term Expires May 11, 2010
Position Three	Term Expires May 11, 2010
Position Four	Term Expires May 11, 2010
Position Five	Term Expires May 11, 2010
Position Six	Term Expires May 11, 2011
Position Seven	Term Expires May 11, 2011
Position Eight	Term Expires May 11, 2012
Position Nine	Term Expires May 11, 2012

**C.** Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to historic designations, certificates of appropriateness, and other matters within the authority of the Commission as time and circumstances permit. Members shall familiarize themselves with agenda items, which may include site visits, prior to the Commission's deliberations on such items.

## **2. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON POWERS AND DUTIES**

The Commission, by majority vote, shall elect a Chairperson and Vice Chairperson for a term of one year. The election shall be held each year in the month of December, with the newly elected Chairperson and Vice Chairperson taking office in January. The Chairperson and Vice Chairperson shall be eligible for re-election to serve additional consecutive terms. The Chairperson may appoint such committees as may be necessary to investigate and to report on matters to the Commission. The Chairperson shall serve as the presiding officer for all meetings of the Commission, and decide all points of order and procedural matters coming before the Commission subject to the requirements of the governing ordinance and these bylaws. In the absence of the Chairperson, the Vice Chairperson shall serve as presiding officer and shall have the same powers and duties of the Chairperson while acting in that capacity. In the absence of both the Chairperson and Vice Chairperson, an Acting Chairperson shall be elected from among the Commissioners present by majority vote.

## **3. MEETINGS**

**A.** The regular meetings of the Commission shall be held on the second Wednesday of each month at 5:00 p.m. in the Council Chambers on

the second floor of City Hall, or at some other room in City Hall as identified in the Notice of Meeting of the Commission. The meeting date may be rescheduled or postponed by the Chairperson if a quorum will not be present on the second Wednesday. No regular meeting shall be held in any month in which no business is scheduled to be conducted.

**B.** The Chairperson may call such other or special meetings as may be warranted and necessary to conduct the business of the Commission.

**C.** All regular and specially set meetings shall be open to the public in accordance with the applicable provisions of the Alabama Open Meetings Law, Ala. Code § 36-25A-1 et seq., and the date, place, and agenda shall be published in accordance with the Open Meetings Law and the ordinances, rules, and practices of the City of Tuscaloosa.

**D.** The Historic Preservation Commission will take up the items on the agenda in the order they appear, though the Commission may take an item out of order. During a public hearing, only the petitioner and his or her designees, opponents, and citizens seeking information shall be allowed to speak. Each side of an issue/development shall be limited to four (4) speakers, unless the presiding officer or commission decides to allow more. All speakers, excluding the petitioner, shall have a maximum of five (5) minutes, unless the commission votes to allow a longer time. Speakers may be interrupted by any member of the Commission for clarification or additional information, but those interruptions will not count against the speaker's time. After a presentation from staff, the presiding officer will call on the petitioner to present their case. The petitioner will have a maximum of ten (10) minutes, unless the Commission votes to allow a longer time. At the conclusion of the petitioner's remarks, the presiding officer will call on any other party who wishes to support the petition. After receiving those comments, the presiding officer will call on those who wish to oppose the petition. After receiving the remarks of those who oppose the petition, the petitioner will have the opportunity to respond to those objections. Any rebuttal shall be limited to two (2) minutes, unless the Commission votes to

allow a longer time. If the petitioner presents any new information in response to the objections, the presiding officer may allow those in opposition to respond to the new information. Any response shall be limited to two (2) minutes, unless the Commission votes to allow a longer time. Once the Commission is satisfied that they have received all relevant information, public discussion will be closed and the Commission members may discuss the matter further, and upon conclusion of any further discussion, the presiding officer will call for a vote.

**E.** In an open meeting, any Commission member desiring to speak shall be recognized by the presiding officer. Commission members shall confine their remarks to the subject under consideration or to be considered. The presiding officer shall preserve order and decorum during Commission meetings, and prevent attacks on personalities or the impugning of member's motives.

**F.** Any person wishing to speak on behalf of another person, group, or entity shall provide written authorization to the presiding officer from the person, group, or entity being represented. Immediate family members (defined for this purpose as spouse, parent, or child) do not have to provide such written authorization when speaking on behalf of another immediate family member.

#### **4. QUORUM AND REGULAR ORDER OF BUSINESS**

**A.** Five members of the Commission shall be a quorum to conduct a meeting, and the concurring votes of five Commission members shall be necessary to approve any petition or to reverse any finding or determination of the Commission.

**B.** Standing Motion to Approve. In regard to every application or every request in an application requiring a vote by the Commission, as the case may be, there shall be a Standing Motion to "Approve the Request", thereby eliminating the necessity for a motion or second for each such

matter. In response to the Standing Motion, the Commission members, when polled by the presiding officer, may vote “Yes” to approve the request or “No” to deny the request. Prior to the vote thereon, any member may recommend conditions to be placed upon the Standing Motion to Approve the Request; which, if there appears to be unanimity thereon, the presiding officer will read into the record as a condition(s) upon the Standing Motion to Approve the Request. If there does not appear to be unanimity in regard to said condition(s) or at the request of any Commission member, the presiding officer will call for a vote by the Commission thereon.

**C.** The presiding officer shall state all questions and or conditions submitted for a vote and announce the results. In taking the vote, the presiding officer shall call on each member by name for that member’s vote. The votes shall be read by Commissioner’s name and recorded. If the vote of all Commission members present is unanimous, it may be entered in the minutes without the recording of yeas and nays.

**D.** Business will generally be conducted in accordance with Robert’s Rules of Order, as modified by the customary practice and procedures of the Commission and except where such rules may contradict state law, the governing ordinance, or these rules.

**E.** A member of the City of Tuscaloosa Office of Urban Development, Planning Division staff shall serve as Secretary to the Commission. The Secretary shall not be eligible to vote upon any matter. The Secretary shall keep the minutes and attendance records of regular and special Commission meetings. Commission meetings will be recorded to allow for more accurate taking of the minutes. Minutes shall reflect the decisions and actions of the Commission, including the reasons for making these decisions and shall be kept on file and available for public inspection.

**F.** The regular order of business shall generally be i) roll call; ii) discussion and adoption of minutes; iii) unfinished business; iv) new business; vi) adjournment.

## **5. COMMUNICATIONS OUTSIDE COMMISSION MEETINGS**

Commission members shall refrain from and in any manner, discuss any application with any parties or their representatives prior to the Commission's deliberations on such application where such contact may compromise or pre-dispose the member to vote in a certain manner; provided, however, that members may seek and/or receive factual information pertaining to the application from any other member of the Commission or Planning staff prior to the hearing. Members of the Commission shall not express individual opinions on the proposed findings or decisions related to any application to any person prior to the determination of that application, except in accordance with these rules. Willful violations of these rules shall constitute grounds to be removed by cause by the City Council pursuant to the Code of Tuscaloosa, Alabama § 20-15. 27(b).

## **6. CONFLICT OF INTEREST**

**A.** A member of the Commission shall withdraw from all participation, including all informal and formal discussion and voting, on any application or petition about which he or she has any knowledge of the following conditions: i) the member, spouse of the member, or any immediate family of the member holds a financial interest, either as agent or owner, in the property in question; ii) the member, spouse of the member, or any immediate family of the member, is employed or is the employer, retained, or acting as agent for any party directly involved in the petition or application at any time during the six months preceding the date on which the petition or application is brought before the Commission, whether or not that party is present; iii) the member, spouse of the member, or immediate family of the member has performed any professional service in connection with the property involved in the application or petition at any time during the six months preceding the date the matter is brought before Commission.

**B.** It shall be the duty of any party involved in a matter before the Commission to inform the presiding officer if said party has knowledge of any reason why any member of the Commission should disqualify himself/herself from voting on the matter before the Commission.

**C.** In the event that a member fails to disqualify himself/herself from voting on any application or petition when such disqualification is required by this article, the presiding officer shall have the power to disqualify the member from voting on the application or petition in question. If a vote on the matter has been taken prior to such disqualification, the presiding officer shall declare the vote of the disqualified member to be null and void, and the disposition of the appeal or application shall be as if the disqualified member had not voted.

**D.** In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter.

**E.** Willful violations of these rules shall constitute grounds to be removed by cause by the City Council pursuant to the Code of Tuscaloosa, Alabama § 20-15. 27(b) and subject to such penalties as may be imposed by the State of Alabama Ethics Commission and by criminal prosecution.

## **7. ANNUAL TRAINING AND MEETING ATTENDANCE**

**A.** Each Commission member must attend at least one training or education meeting per calendar year. Such training or education meeting must meet the standards or criteria established by the Alabama Historic Preservation Commission. Failure to attend such training or education meeting shall be grounds for a recommendation to City Council for removal from office.

**B.** It shall constitute cause for removal if a member is absent from three (3) regular meetings of the Commission in a calendar year; such member may be removed from office.



## **8. FORMS REQUIRED**

Every appeal or petition shall be submitted on the form provided for that purpose, and shall include the data required in said form, so as to supply all the information necessary for a clear understanding and informed decision by the Commission.

## **9. DOCKET**

Each case filed in the proper form with the required data shall be numbered serially, and shall be placed on the docket of the Commission. The docket numbers shall begin anew on January 1<sup>st</sup> of each year, and shall be hyphenated with the number of the year. Cases shall come before the Commission in regular order as docketed, unless the presiding officer, for appropriate reasons, allows a case to be heard out of order.

## **10. RULINGS BY THE COMMISSION**

- A. Generally.** The Commission shall act on an application for a Certificate of Appropriateness within sixty (60) days after the filing of a completed application by the owner or occupant of a historic property, or of a historic structure, site, object or work of art located within a historic district.

The Commission may deny any application in whole, or in part, or may approve an application subject to stated conditions.

Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant in writing filed with the Commission.

**A. Denial of an Application.** In the event the Commission rejects an application, in whole or in part, it shall state its reasons for doing so, and the Secretary shall transmit a record of such actions and reasons, in writing, to the applicant and the chief building official of the city. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted.

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

**B. Failure to Rule.** Failure of the Commission to act within said sixty (60) days after the filing of a completed application, absent a continuance as otherwise provided herein, shall constitute approval and no other evidence of approval shall be needed.

**C. Continuances.** The Commission, with the consent of the property owner, may table an application until the next scheduled meeting. The property owner must consent each time an application is tabled. A property owner can consent to a successive tabling of the application in writing at least fourteen (14) days prior to the scheduled meeting. After the mailing of any notification to surrounding property owners, a petitioner may only request to have the scheduled hearing on the petition postponed by appearing at the hearing in person to request a continuance. In the event that a case is continued owing to the absence of a petitioner, the case shall not be docketed for a later meeting until the petitioner has paid an additional filing fee. No application shall be tabled more than twice.

#### **11. TIME WITHIN WHICH RECONSIDERATION BARRED**

No case which has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of six (6) months from the date of the decision previously rendered except with the consent of a majority of the Commission. However, if the Applicant so desires, her or she may make modifications to the plans which effectively address the reasons stated by the Commission for rejection of the application and resubmit the application at any time.

#### **12. APPEALS**

Any person having a request for a Certificate of Appropriateness denied by the Commission may appeal such denial to the Circuit Court of Tuscaloosa County within fifteen (15) days from the date of denial by the Commission.

#### **13. AUTHORITY OF THE OFFICE OF URBAN DEVELOPMENT, PLANNING DIVISION AND THE OFFICE OF THE CITY ATTORNEY STAFF TO PREPARE DOCUMENTS AND LETTERS FOR THE COMMISSION**

City Staff, who are assigned to assist the Commission in the performance of their duties, are permitted, authorized and directed by the Commission to prepare, draft and distribute notices, correspondence, letters, approvals, denials and such other documents as requested and directed by the Commission. The dissemination of any such notice, correspondence or other document prepared by Staff, consistent with the direction of the Commission, shall be deemed promulgated by the Commission. A representative of the City Attorney's Office is statutorily authorized to

represent, advise and defend the Commission pursuant to Ala. Code § 11-44B-11(f) (1975).

**14. AMENDMENTS**

The bylaws and rules for the transaction of business of the Tuscaloosa Historic Preservation Commission may be amended from time to time in whole or in part by a majority vote of the Commission.

ADOPTED, this the 12<sup>th</sup> day of April, 2023

CITY OF TUSCALOOSA HISTORIC PRESERVATION COMMISSION

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, Chairperson

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