RESOLUTION NO. 97-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, FORMALLY ADOPTING THE BY-LAWS OF THE HISTORIC PRESERVATION ADVISORY BOARD; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the By-Laws of DeBary Historic Preservation Advisory Board were Approved by the DeBary Historic Preservation Advisory Board by motion on November 20, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DEBARY, FLORIDA:

SECTION 1. That the by-Laws of the DeBary Historic Preservation Advisory Board, attached hereto as Exhibit “A” and incorporated herein with full force and effects as if fully set forth, are hereby formally adopted.

SECTION 2. That all resolutions or parts of resolution in conflict herewith be and the same are hereby repealed.

SECTION 3. That this Resolution shall take effect immediately upon its adoption by the City Council of the City of DeBary, Florida.

ADOPTED BY the City Council of the City of DeBary, Florida this 10th day of December, 1997

ATTEST:

Donald E. Smith, Mayor

Maryann Yaskanich, City Clerk
RULES OF PROCEDURE AND BY-LAWS
OF THE DEBARY
HISTORIC PRESERVATION ADVISORY BOARD

ARTICLE I PURPOSE AND INTENT

It is the purpose and intent of these By-Laws to set forth a uniform set of rules and procedures as authorized by the City Council of DeBary in Resolution 97-08, whereby the DeBary Historic Preservation Advisory Board, hereinafter referred to as the “Board”, may regulate the manner in which it elects officers, conducts meetings, and otherwise carries out its designated powers and duties. It is further the intent of these Rules of Procedure to serve as a guideline in the conduct of the business and affairs pertaining to the Board.

ARTICLE II MEMBERSHIP

SECTION 1 MEMBERSHIP - The DeBary Historic Preservation Advisory Board membership shall consist of five (5) members appointed by the City Council. A majority of the voting members appointed shall constitute a quorum at meetings. Members shall be residents of the City of DeBary regardless of race, creed, color or religion.

SECTION 2 OFFICERS

A. CHAIRMAN - The Chairman shall serve as the presiding officer at all meetings of the Board and shall conduct said meetings as specified herein. The Chairman shall be elected by the majority of the total membership of the Board at its first regular meeting and shall thereafter be elected at the last regular meeting of the calendar year and the term of office shall be for one year. The Chairman shall be eligible for re-election but shall serve no longer than three (3) consecutive years in said office. The Chairman shall transmit reports, plans, and recommendations of the Board to the City Council or appropriate City Board and, in general, shall act as spokesman of the Board. The Chairman shall appoint from the Board membership, any committees found necessary to investigate matters before the Board. In addition, the Chairman, upon approval of the City Council, may appoint person(s) other than Board members to investigate matters before the Board.

B. VICE-CHAIRMAN - The Vice-Chairman shall be elected by the Board from among its regular members in the same manner and for the same term as the Chairman, and shall be eligible for re-election but shall not serve longer than three (3) consecutive years in said office. The Vice-Chairman shall assume the powers and duties of the Chairman in the absence or inability of the Chairman to act, and shall serve as the Acting Chairman in his absence.

C. SECRETARY - The Secretary shall be elected by the Board from among its regulars in the same manner and for the same term as the Chairman, and shall be eligible for re-election, but shall not serve longer than three (3) consecutive years in said office. It shall be the duty of the Secretary to sign all the minutes and be responsible for the disposition of same upon their approval by the Board at a public meeting. It shall also
be the duty of the Secretary to receive any evidence or documents presented to the Board at any Board meeting and to sign or initial and date such documents or evidence. In the event of the absence or inability of the Chairman or Vice-Chairman to act, the Secretary shall act as temporary chairman for that meeting.

SECTION 3 TERMS OF OFFICE: All regular and associate members of the Board shall serve for a period specified by the City Council. Members shall serve at the pleasure of the Council and serve without compensation, and such Board may be dissolved by the City Council, if in the opinion of the City Council or the Mayor, there is no apparent need for its function.

ARTICLE III DUTIES AND RESPONSIBILITIES
In addition to the ultimate responsibility of accomplishing the objectives set forth in accordance with the goals and objectives of the City of DeBary’s Comprehensive Plan, the City of DeBary Historic Preservation Advisory Board shall have the following duties and responsibilities:

1. Propose and recommend to the City Council, financial and technical incentive programs to further the objectives of historic preservation.

2. Educate owners of designated historic resources and the general public on the benefits of historic preservation and federal, state and local laws and policies regarding the protection of historic resources.

3. Request grant assistance through the City Council from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

4. Perform any other function or duty related to historic preservation as assigned by the City Council.

5. Attend pertinent Historic Preservation educational meetings, workshops and conferences sponsored by the Department of State, Division of Historical Resources.

6. Seek expertise, on proposals or matters requiring evaluation by a professional not represented on the Board.

7. Encourage Board members to participate in the survey and planning activities of the City of DeBary.

ARTICLE IV MEETINGS

SECTION 1 REGULAR MEETINGS- The board shall hold at least four regular meetings each year, but may hold additional meetings if it deems necessary. Each regular meeting shall have been previously posted at least 24 hours prior to the meeting, which shall be opened to the public. The board may adopt a regular meeting schedule which provides for the time, date and place of said regular meetings.

SECTION 2 SPECIAL MEETINGS- Special meetings for the purpose of a public hearing or
meeting may be called at any time by the Chairman. The Chairman shall instruct the City appointed staff to give written notice of the time and place of any special meetings to each member of the Board, the press, and all individuals who request notice of such meetings.

SECTION 3 WORKSHOP MEETINGS- Workshop meetings may be held as required for the purpose of enabling the Board to gather information and discuss and examine matters relating to the power, duties, and functions of the Board. Such workshops shall be conducted in accordance with the notice requirements in Section 1.

SECTION 4 CONTINUED MEETINGS- The Board may continue a regular or special meeting if all business cannot be conducted on the advertised date; no further public notice shall be necessary for resuming meeting provided the time, date and place of the resumption of said meeting is stated at the time of the continuance.

SECTION 5 CANCELLATION OF MEETING- Whenever there is no business for the Board to conduct, or whenever a majority of the Board members notify the Chairman of their inability to attend a meeting, the Chairman may dispense with the Regular Meeting by instructing the City appointed staff to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting, and the press shall be notified of the cancellation whenever possible.

SECTION 6 REPRESENTATION OF PERSONAL INTEREST- All Board members shall be governed by the Code of Ethics set forth in the applicable Florida Statutes.

SECTION 7 CONDUCT OF MEETINGS- All meetings shall be opened to the public. All records of the Board including its rules of procedure, minutes, resolutions, and inventory shall be maintained and considered to be public record open to inspection by the public. An agenda of business to be transacted shall be prepared. The order of business at regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Previous Minutes
4. Continued Items
5. New Business
6. New Business
7. Staff Items
8. Citizen Comments
9. Adjournment

SECTION 8 QUORUM- A quorum shall consist of a majority of members for the transaction of all business, except as otherwise specified herein. However, in the event a quorum is not present to conduct a public hearing, two or more members of the Board shall constitute a quorum for the sole purpose of calling the meeting to order and rescheduling to another date, stating the place, time and date of that meeting.

SECTION 9 VOTING - Any Board member who is present and eligible to vote shall vote, except in the case of a voting conflict which is governed by Section 112.3143, Florida Statutes.

SECTION 10 MOTIONS - Except as provided in Section 9, motions on any matter shall be approved only upon concurrence of a majority of the members present and eligible to vote, provided that a quorum is
present. In the case of tie votes, the motion shall not carry and will result in no recommendation.

SECTION 11  ABSENCES - If a member is absent for three (3) consecutive meetings without being excused prior to said meeting by Chairman, said member shall forfeit his office and it shall be deemed vacant. An excused absence means an absence as a result of illness, or death of a family member, conflicting professional or personal responsibilities, or vacation.

SECTION 12  ROBERT'S RULES OF ORDER - "Roberts Rules of Order Newly Revised" shall govern the conduct of all meetings in all cases to which they are applicable and where they are not inconsistent with these By-Laws, or any special rules the Board may adopt from time to time.

ARTICLE V  STAFF
The Board shall have access to the information and staff of all the departments of the City of DeBary government on such a basis as these departments are able to render assistance to the Board; provided, however the City shall appoint such staff to serve as the primary professional staff to the Board. The preparation of agendas, preparation and sending out of meeting notices, preparation and distribution of meeting packets, and establishing and maintaining a file shall be accomplished by a member of the City staff of the City of DeBary.

ARTICLE VI  AMENDMENTS OF BY-LAWS

SECTION 1:  AMENDMENTS: The By-Laws of the Historic Preservation Board may be amended, repealed or altered, in part or in whole, by majority vote of the members at any regular or special meeting provided that the due intent of such meeting and the proposed changes are given in writing to all members five (5) days prior to the meeting.

ARTICLE VII  ACCEPTANCE

SECTION 1.  ACCEPTANCE: The signature of the members of the Board here below shall attest that these drafts By-Laws of the DeBary Historic Preservation Board, of DeBary, Florida have been read before a meeting of the members of the Board and accepted by majority vote of the members present at the meeting.

These rules of procedure were adopted by the Historic Preservation Advisory Board on the 20th day of November, 1997.

ATTEST:

Maryann Yaskanich, City Clerk

Barrie Freeman, Chair

Historic Preservation Advisory Board By-Laws