

Rules of the Cleveland Landmarks Commission

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ARTICLE I: OFFICERS

The officers of the Cleveland Landmarks Commission shall be Chairman, Vice-Chairman, and Secretary.

1. Chairman: The Chairman shall preside at all meetings of the Commission, perform all duties incident to his office and be ex-officio member of all committees. The Chairman shall be elected annually at the Commission's first meeting of the calendar year.
2. Vice Chairman: The Vice-Chairman shall act as Chairman in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, the members of the Commission shall elect a Chairman Pro Tem. The Vice Chairman shall be elected annually at the Commission's first meeting of the calendar year.
3. Secretary: The Planning Director shall act as Secretary of the Commission. He shall maintain an accurate record of the proceedings of the Commission. On behalf of the Mayor, he shall serve as the liaison between the Commission and the City Administration and shall act to insure that, to the greatest degree possible, Commission programs and actions are well-coordinated with the programs and actions of the other City Departments, Boards and Commissions.

ARTICLE II: Staff

The staff of the Commission may consist of the following:

1. Director. On behalf of the Commission, the Mayor may appoint a Project Director ("Director") to assist in the performance of its duties. The Director shall conduct the official correspondence, keep all books, financial accounts, documents, and communications, and issue the Commission's Annual Report and such other reports as the Commission may order. On behalf of the Commission, the Director shall prepare and administer the Commission's appointing authority. The Director shall supervise the staff of the Commission and may assign such duties as he deems advisable to the staff. The Director shall submit a weekly activity report to the Secretary and shall meet with the Secretary on a regular basis in order to insure close coordination of the Commission's programs and actions with those of other City Departments, Boards, and Commissions.
2. Employees: On behalf of the Commission, the Director may appoint as the Commission's employees such technical and office staff as the Commission deems necessary within the appropriation made available for that purpose. All such appointments shall be made in accordance with the Civil Service Procedures of the City of Cleveland.
3. Volunteers: The Commission may accept volunteered services of technical experts and such other persons as may make themselves available to assist the Commission in the performance of its duties.

ARTICLE III: COMMITTEES

The Commission may appoint Advisory Committees to assist it in the execution of its powers and duties. Members of Advisory Committees shall be appointed by a majority vote of the members of the Commission and may be removed by a majority vote of the members of the Commission. All members of Advisory Committees shall serve without pay.

1. Local Design Review Advisory Committees: The Commission may establish a Local Design Review Advisory Committee for areas within the City of Cleveland designated by Cleveland City Council as a "Landmark District". Committees so established within a

designated District shall be strictly advisory; they shall advise the Commission on the issuance of Certificates of Appropriateness within the District, the designation of properties as Cleveland Landmarks within the District, the modification of the boundaries of the District, and such other matters as may be referred to the Committee by the Commission.

- a. Membership: A Committee shall consist of at least three (3) voting members in addition to the Commission Chairman, of who at least two (2) are residents, tenants, or property owners in the District, and if possible at least (1) is a registered architect.
- b. Terms of Service: Members of a Committee other than the Commission Chairman shall serve for two terms of two (2) years duration and may succeed themselves.
- c. Presiding Officers: The membership of each Committee shall choose a Chairman and Vice Chairman from its membership. These officers shall serve for a term of one (1) year and may succeed themselves.
- d. Design Review: The Committees shall assist the Commission in the review of the plans and designs submitted to the Commission pursuant to Chapter 161 of the Codified Ordinances. It shall be the duty of the Committees to review in a timely and thorough manner such plans and designs referred to them by the Commission and to transmit advisory findings through the Director of the Commission to the entire Commission for its consideration and action.
- e. Meetings: Committees shall meet prior to the scheduled regular and supplemental meetings of the Commission and shall hear all matters referred by the Commission. Each Committee shall meet at a convenient location and at a time determined by its Chairman to be most convenient for members of the Committee, project proponents desiring to be heard, and members of the general public. Each Committee shall make a good faith effort to meet at a regular time and place each month to facilitate attendance at meetings by members of the general public. All meetings shall be open to members of the general public.
- f. Quorum: A quorum shall consist of a majority of the members appointed. Such quorums are capable of conducting the business of a Committee. If a quorum is no longer present after the start of a properly convened meeting, a Committee shall still be capable of conducting such business as specified on the agenda for that meeting. A majority of those voting shall determine a decision.
- g. Recommendation to the Commission: Committees shall make their recommendations to the Commission, in the form of written reports prior to the Commission's regularly scheduled monthly meeting. Said reports shall specify the action recommended by the Committees on each Application for Certificate of Appropriateness submitted to them. The reports shall recommend approval or denial of a Certificate of Appropriateness for each application, shall describe clearly any conditions the Committee recommends be included in a Certificate of Appropriateness, and shall specify clearly the reasons for the action recommended. The Committee function is strictly advisory and shall not be considered a delegation of the powers and duties of the Commission.
- h. Commission Ruling on Committee Recommendations: The Commission shall consider the recommendation of its Committees in making decisions regarding the granting or denial of Certificates of Appropriateness. The Commission may accept or reject Committee recommendations in whole or in part and may remand a case to a Committee for further review. The Commission, at its sole discretion, may determine to act without action or recommendation by the Committees.
- i. Secretary: The Director of the Commission shall act as Secretary of each Committee and shall be responsible for maintaining the minutes and performing other duties arising from the work of each Committee. With prior approval of the Commission, the Director may assign a member of the Commission, a member of the Commission Staff, a member of the Committee, or a member of the staff of a recognized Local

Development Corporation to serve as Secretary of a specific Committee. The Secretary of each committee shall serve ex-officio and shall be prepared to explain that Committee's actions before the Commission.

2. Other Advisory Committees: The Commission may appoint such other Advisory Committees as the Commission may, from time to time, deem necessary to the performance of its duties. The responsibilities and membership of these Committees shall be determined by the Commission at the time of their establishment.

ARTICLE IV: MEETINGS

1. Regular Meetings: Regular Meetings: The Regular Meetings of the Commission shall be held on the second and fourth Thursday of each month at Cleveland City Hall, unless otherwise called by the Chair.
2. Supplemental Meetings: When the Chairman determines the need for a second meeting during the month, due to the number of requests for Certificates of Appropriateness, then he shall call a supplemental meeting. Such supplemental meetings of the Commission shall be held on the fourth Friday, only during the months of April, May, June, July, August, or September, in City Hall.
3. Special meetings: Special meetings of the Commission called by the Chairman or upon the written request of three (3) members of the Commission. The Secretary of the Commission shall provide written notice to each member of the Commission, served personally or left at the usual place of residence, in either case, at least twenty-four hours in advance of the meeting, unless such notice is waived in writing by members of the Commission. Any such notice shall list the subjects to be considered at the meeting, and no other subjects shall be considered.
4. Public Meetings: All meetings of the Commission shall be public and shall be recorded. All recordings of the Commission proceedings shall be available to the general public during business hours.
5. Quorum and Voting: Five (5) members of the Commission shall constitute a quorum to do business. If a quorum is no longer present after the start of a properly convened meeting, the Commission shall still be capable of conducting such business as is specified on the agenda for that meeting. A majority of those voting shall determine a decision. No member shall be entitled to vote unless he or she is physically present at the meeting at the time of the vote. Every Commission member, including the Chair, shall have one vote, however the Chair shall not make motions for voting.
6. Agenda: An Agenda of the subjects to be considered at the regular meeting of the Commission shall be distributed at the meeting. No other subjects shall be voted upon at the Commission meeting unless, by unanimous vote, the Commission decides to consider other matters.
7. Order of Business: The business of the Commission shall be considered in the following order, unless otherwise determined by the Commission:
 - a. Roll call by the Secretary.
 - b. Adoption of the Minutes of the previous regular, supplemental, or special meeting(s).
 - c. Considerations of Applications for Certificates of Appropriateness.
 - d. Consideration of Landmark and Landmark District designation.
 - e. Other business.
 - f. Report of the Director.
8. Conflicts of Interest and Recusal: Commission members shall disclose known or apparent conflicts of interest on the record. Conflicts of interest shall be presumed, but shall not be limited to, when a decision can result in financial gain or other benefit to the Commission member, his or her relatives, business or other close associates. When a conflict of interest is presumed, or a Commission member decides he or she cannot make a decision clear of bias or prejudice, the Commission member shall withdraw or recuse

himself or herself from the meeting, meaning the Commission member shall not participate in the meeting, and shall excuse himself or herself from the meeting.

Abstaining from Voting: If a Commission member determines at the end of a presentation that he or she has a conflict of interest that he or she was not aware of prior to or during the presentation, then the Commission member may abstain from voting. The Commission member shall state, on the record, the reason for abstaining (for example a presumed or possible conflict of interest, the Commission member was absent for part of the presentation and did not hear enough of the presentation on which to base a vote, etc.).

9. Additional Rules: Except as herein otherwise provided, the proceedings of the Commission shall be governed by the City Charter, the Codified Ordinances of the City of Cleveland, and Roberts Rules of Order, and it shall be the duty of the Chairman to adhere to and enforce such rules. If the Chairman is unable to make a ruling on any procedural matter, he shall defer to the Director of Law for a ruling. Upon the motion of any member present, the Commission shall vote whether to appeal to the Director of Law for ruling.
10. Rules of Committees: Except in cases of obvious inconsistency or inapplicability, Committees of the Commission shall be governed by the rules applicable to the Commission proceedings.

ARTICLE V: PUBLIC HEARINGS

The Commission shall conduct a Public Hearing on the question the designation of any Landmark District and shall conduct a Public Hearing on the designation of a specific Landmark in those cases in which the owner of such property of the proposed designation refuses or declines to give his written consent to the proposed designation. In scheduling a Public Hearing, the Commission shall be governed by the notice requirements specified in Section 161/04 (b) (2) of the Codified Ordinances. The following Rules shall govern the conduct of any Public Hearing:

1. The Chairman shall conduct all Landmarks Commission Public Hearings and shall provide a reasonable opportunity for all interested parties to express their opinions.
2. All persons attending a Public Hearing shall be given a reasonable opportunity to be heard. The Chairman may limit comments to a reasonable length of time.
3. All in attendance at a Public Hearing shall register upon arrival.
4. When an individual is recognized to be heard, he shall state his name, address, affiliation, and the interest he represents.
5. All Public Hearings shall be recorded. All recordings of Public Hearing proceedings shall be available to the public during business hours.
6. Each Public Hearing shall be conducted at City Hall or at a convenient location within the District proposed for designation or in the general vicinity of the individual property proposed for designation and at a time determined by the Chairman to be most convenient to the members of the Commission, the property owner(s), and members of the general public.
7. The Commission shall take into consideration the comments of interested people which are stated at the Public Hearing or communicated to the Commission through letter or petition. The Commission shall make a determination based on those comments within fifteen (15) days after the Hearing and shall submit its recommendations to City Council. The Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit said findings of fact to the City Council.

ARTICLE VI: AMENDMENTS

These Rules shall supersede all rules and statements heretofore adopted or in effect by practice. These Rules may be amended by a majority vote of the members of the Commission present at regular or special meeting, provided notice of proposed change shall have been mailed to members of the Commission by the Secretary five (5) days prior to such meeting.

ARTICLE VII: FAILURE TO COMPLY WITH RULES SHALL NOT RENDER ACTIONS INVALID

These Rules are solely for the use of members of the Commission and for the purpose of maintaining orderly proceedings. Any failure to comply with such Rules shall in no way render any action or proceeding invalid.

ARTICLE VIII: PERSONNEL POLICIES

The personnel policies of the Commission shall be governed by the Personnel Manual of the City of Cleveland, as amended.