

GUIDELINES FOR PARTICIPATION IN MISSOURI'S CERTIFIED LOCAL GOVERNMENT PROGRAM

I. INTRODUCTION

Since 1966, when Congress enacted the National Historic Preservation Act (16 USC 470 *et seq.*), establishing a preservation program for the United States, the national historic preservation program has operated as a decentralized partnership between the federal government and the states. In the simplest of terms, the federal government established a program of identification, evaluation and protection of historic properties which the states, primarily, carry out. The success of that working relationship prompted Congress to expand the partnership to provide for the participation of local governments. The National Historic Preservation Act Amendments of 1980 (P.L. 96-515) establish the legal basis for the new federal-state-local preservation partnership. The role of the "certified local governments" in the new partnership involves, at a minimum, 1) commitment to enforce historic preservation laws, 2) responsibility for review and approval of nominations of properties to the National Register of Historic Places, and 3) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for "certified local governments." In order to become certified, a local government must meet several requirements, including enactment of an historic preservation ordinance and establishment of a qualified preservation commission. The federal law directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of this document is to outline how the partnership will be implemented in Missouri.

II. DEFINITIONS

For the purposes of clarity, the following definitions shall apply in regard to these guidelines:

- A. "**Certified Local Government**" or "**CLG**" means a local government certified as meeting the requirements set forth in these guidelines.
- B. "**Chief elected official**" or "**chief elected local official**" means the elected head of a local government.
- C. "**Historic Preservation Fund**" or "**HPF**" means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for the historic preservation programs and projects.
- D. "**Historic preservation review commission**" or "**commission**" means a board, council, commission, or other similar collegial body which is established in accordance with these guidelines.
- E. "**Local government**" means a city, county, municipality, town, or village, or any other general-purpose political subdivision of the state.
- F. "**Missouri Advisory Council on Historic Preservation**" means the commission appointed by the Governor which is responsible for review and nomination of all Missouri properties to the National Register of Historic Places.
- G. "**National Register of Historic Places**" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture maintained by the Secretary of the Interior.

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proposed, or revised ordinance.

- B. The local government shall ***"establish by state or local law and maintain an adequate and qualified historic preservation review commission."***
1. The commission shall have no fewer than five (5) members.
 2. Commission members shall have a demonstrated interest, competence, or knowledge in historic preservation.
 3. To the extent available in the community, commission members must be drawn from professionals in architecture, architectural history, history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, or any other related disciplines or fields related to historic preservation. Local governments requesting certification must demonstrate that they have made a reasonable effort to secure such professionals as commission members. The appropriate number of professional members on a commission will vary depending on the availability of such professionals in the community and the needs and function of the commission in the community.
 4. If certain critical disciplines are not represented on the commission, the CLG shall seek the advice of consultants to assist the commission in reviewing a particular action. (For instance, an archaeologist might be consulted in regard to the impact of excavation for a new high-rise building on previously undisturbed land, while an architectural historian might be consulted for advice in regard to the significance of a building proposed for nomination to the National Register.) Possible sources for such consultants include universities, colleges, state or local preservation organizations, and architectural or planning firms.
 5. Terms of office of commission members shall be staggered and of no less than two-year duration (except as provided in the initiation of a commission). The two-year term shall not be construed as preventing a member from serving more than one consecutive term.
 6. The chief elected local official shall initiate action to fill vacancies, including expired terms, within sixty (60) days.
 7. Commission meetings shall be held at regular intervals and at least four (4) times each year.
 8. The commission shall submit an annual report on its activities to the chief elected local official for submission to the SHPO. The annual report shall include, but shall not be limited to, such items as: the number, types and resolution of cases reviewed, new designations made, revised resumes of commission members, new appointments to the commission, attendance records, and all minutes relating to National Register nominations. Reports shall be submitted within sixty (60) days after the end of the fiscal year and shall form the basis for the SHPO's assessment of the CLG's performance.
 9. Each commission member shall annually attend at least one informational or educational meeting, approved or conducted by the SHPO, pertaining to historic preservation. The SHPO shall initiate or develop training programs to assist commissions in meeting this requirement.
 10. The commission shall be responsible for:
 - a. Surveying, identifying and designating historic and prehistoric districts and landmarks within

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4. Applicants shall be given written notification of commission decisions, including specific reasons for the decisions.
 5. Rules of procedure shall be adopted by the commission and shall be available to the public.
 6. Guidelines and criteria for the designation of properties and the review of actions affecting those properties shall be developed by the commission and made available to the public.
- E. The local government shall *"satisfactorily perform the responsibilities delegated to it under the National Historic Preservation Act"* by the SHPO, as outlined under A.–D. above.

IV. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

It is the local government, and not the commission, that is certified. Commissions are responsible to the SHPO only as representatives of the local government. The jurisdiction of the CLG is that of the local government and must coincide with the geographic jurisdiction of the local government for CLG purposes.

- A. The chief elected official of the local government shall request certification from the Missouri SHPO. The request for certification shall include:
1. A written assurance by the chief elected official that the local government will fulfill all of the requirements for certification as outlined in III. above;
 2. A copy of the local historic preservation ordinance and the legal instrument(s) creating the commission and any laws that provide for the designation and/or protection of historic and prehistoric properties within the jurisdiction of the applicant;
 3. A listing of any historic and prehistoric districts or individual landmarks designated under the local ordinance(s), along with statements of the historical significance of the properties, photographs, and maps indicating their locations and boundaries;
 4. Resumes for each of the current or proposed members of the historic preservation commission, including demonstration of their interest, competence or knowledge in historic preservation and, where appropriate, information sufficient to allow the SHPO to establish the qualifications of professional members. If the membership of the proposed commission does not meet the professional qualifications stipulated in III.B.3., the applicant must provide written information concerning how it has sought qualified professionals to participate in CLG activities.
 5. A copy of the local historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation and protection activities; and
 6. Resumes for staff, if petitioning for additional responsibilities under III.B.11. of these guidelines. (If requested, the SHPO will consider professional staff in conjunction with the credentials for commission members in determining whether the local preservation commission meets the requirements set forth under III.B.3.)
- B. The Missouri SHPO shall respond to the chief elected local official within sixty (60) days of receipt of an