Approved 9.25.25

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION
OF THE
CITY OF BRIGHTON, COLORADO

I. ENABLING AUTHORITY; PURPOSE; AND MATTERS ENTRUSTED TO THE COMMISSION

Pursuant to Section 2-66-30(b), of the Brighton Municipal Code ("BMC"), the Historic Preservation Commission (the "Commission") is authorized to adopt bylaws and rules of procedure that shall govern the transaction of its business.

Accordingly, **Article 2-66. Historic Preservation Commission, Land Use & Development Code ("LUDC") Section 10.03 Historic Preservation**, as amended from time to time, and these Bylaws adopted in accordance therewith, shall govern the procedure of the Commission with respect to all matters entrusted to the Commission by the BMC, ordinances, and resolutions of the City Council of City of Brighton.

Such matters entrusted to the Commission include but are not limited to the following:

1. To designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, ethnic, political, architectural, historic or other heritage;

2. To foster civic pride in the character and accomplishments of the past;

3. To stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects, and districts;

4. To protect and enhance the City's attraction to tourists and visitors, and to increase the quality of life for the citizens and enhance future economic development;

5. To promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City;

6. To promote good urban design;

7. To promote and encourage continued private ownership and utilization of such sites, structures, objects or districts;

8. To cooperate with state and federal historic preservation efforts, policies and procedures of the Commission.

The Commission shall have the duty and power to:

1. Perform all actions and functions as authorized or directed by Section 2-66-20, BMC, and LUDC Section 10.03, Historic Preservation, and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.

II. MEMBERSHIP, APPOINTMENT, AND OFFICERS

A. Membership and Appointment. The Commission shall consist of five (5) voting members, two (2) alternates, appointed by the Mayor and City Council in accordance with Section 2-66-10, BMC, and the City Manager as an ex-officio non-voting member. The qualifications, interests, expertise, and terms of the members shall be as set forth in Section 2-66-10, BMC.

B. Officers and Elections. The Commission shall select a chair and a vice chair from among its members. Elections shall occur annually, at the first regular meeting in July, or as soon thereafter as practicable. The term of the chair and vice chair shall be for one year with eligibility for re-election thereafter. All terms expire annually on June 30. The City Manager or his designee may provide administrative assistance to the Commission in the form of a city staff person and/or secretary.

Nominations for elected officers of the Commission are made orally during a meeting at which a quorum is seated. No seconding is required for nominations, except to close the nominations and hold a vote. Members proposing to nominate another voting member for office shall first obtain that member's consent. Any member so nominated may respectfully withdraw his or her name from nomination prior to the vote. Silence by a nominee shall be construed as acceptance.

After the nominations occur, a motion shall be made and seconded to close the nominations and hold a vote, at which point a roll-call vote shall occur respecting the nominations. Nominees receiving a majority of votes are elected.

1. Chair. The chair is responsible for conducting Commission meetings in an orderly and democratic manner, while assuring that minority opinion may be expressed and that the majority is allowed to rule. The chair shall decide all points of order, decorum and issues of procedure, evidence and testimony, unless otherwise directed by a majority of the Commission in session at that time. The chair, in his or her reasonable discretion, may temporarily relinquish such duties and delegate the same to the vice chair from time to time, for all or part of a particular meeting or as to certain agenda Items, and the vice chair shall fairly and properly conduct such meetings or agenda items in all respects in accordance with these Bylaws.

2. Vice Chair. The vice chair shall preside in the absence of the chair and shall assume all duties of the chair.

C. Member Absences, Alternates. Any member who is unable to attend a meeting shall notify the chair, vice chair, and staff in advance, and state the reason for his or her absence. In the event that both the chair and vice chair are absent, the next most senior non ex-officio member of the Commission shall preside. Meetings shall commence at time set by the Commission, at which time absences and the seating of alternates shall be recognized for the record. In the event of an absence among the regular members, the chair shall seat an alternate member in the place of such absent regular member. The alternate with seniority shall be seated first. If both alternates have served for the same amount of time, seating shall be by alphabetical order of the last names. Once thus seated, an alternate member shall be entitled to vote upon such matters as come before the Commission. Emeritus, Youth Commission, and City Council members shall serve in an advisory capacity only, and may not be seated to vote in the absence of another member. All members and alternates in attendance may participate in the discussion. Only seated members and alternates seated for an absent member may vote.

III. COMMITTEES OF THE COMMISSION.

A. There shall be a COA/Demolition Review Committee of the Commission consisting of the chair, one regular member of the Commission selected by the chair, the Historic Preservation Administrator, and the City Manager or Manager's designee. The COA/Demolition Review Committee shall function in accordance with LUDC Sections 10.03 D and E. A quorum of this committee shall consist of three (3) members.

B. The Commission may create one or more committees of the Commission and appoint one or more members of the Commission to serve on each committee. The creation of a committee and appointment of members to it shall require the approval of a majority of all the Commissioners in office when the action is taken. All committees shall be given an explicit charge and shall serve at the pleasure of the Commission.

C. The provisions of these Bylaws governing meetings and voting requirements, if applicable, of the Commission apply to committees. Committee meetings may be held either in person or virtually.

D. The Commission may also appoint residents of the City of Brighton that are not members of the Commission to serve on one or more committees. To be appointed to a committee, the appointee must attend a regular meeting of the Commission where they will be appointed to a committee by a vote of the Commissioners. This vote shall take place during a specified agenda item in which the Commission will vote on a potential appointee.

IV. QUORUM, CONDUCT OF MEETINGS AND VOTING

A. Quorum. A quorum shall consist of three (3) regular members (or alternates seated as such), and no official business may be conducted without a quorum. If a quorum is not present, the members present may adjourn the meeting. If a public hearing is continued, the time, place, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.

B. Conduct of Meetings. All meetings are open to the public, and shall be carried-out in a business-like manner. It shall be the policy of the Commission, as necessary and appropriate, to solicit public participation at meetings and to provide fundamental fairness and accord due process to all interested parties. Meetings shall be conducted pursuant to the following general format:

1. Written Agenda and Order. Staff shall generally coordinate formal agenda items, except that the Commission may direct the preparation of matters to be placed on the agenda if two (2) or more members of the Commission concur. A vote is not required to set the agenda. Scheduled items may be deleted from the agenda or continued pursuant to the procedures set forth in Section III. B.4, below. The order of the agenda shall be generally as follows:

a. Call to Order and Roll Call.
b. Minutes of Previous Meetings.
c. Public Comment – Non-Scheduled, Non-Agenda Items

d. Public Hearing Agenda Items.
e. Old and New Business: Reports
   Matters from Commission Members and Committees;
   Matters from the City Manager;
   Matters from Staff or the City Attorney.
f. Adjournment.

2. Rules of Speaking. To obtain the floor, a member shall first address the chair, who shall recognize that member for the record by name and yield the floor. The chair next generally recognizes that member who first requests the floor after it has been relinquished, except that the chair may use its discretion in providing for the orderly transition of the floor such that all members are properly accommodated (i.e., yielding to the member next seated to the right or left, etc.). Members shall generally relinquish the floor after they have addressed the pending issue for five (5) minutes.

3. Public Hearing Procedures – Presentation, Hearing, Deliberation. In the case of public hearings, if any, the chair shall have the discretion to enforce or alter these procedures as necessary, so as to ensure that meetings are conducted efficiently and in a manner that provides fundamental fairness and accords due process to all interested parties. The following procedures shall also apply to the Public Comment portion of the agenda, with time frames subject to the chair's discretion, and as generally provided below:

a. The chair first calls for presentation by staff (5 to 15 minutes);
b. The chair then calls for presentation by the applicant or interested party(ies) (5 to 15 minutes);
c. Commission members may then question staff or the applicant to clarify any information or evidence presented;
d. The hearing item is then opened to the public for comment on any issues relevant thereto, including proponents and opponents of the item (3 to 5 minutes per presentation);
e. Response, rebuttal or clarification by staff or applicant, as necessary (3 to 5 minutes);
f. After all evidence has been presented, the public hearing is closed and deliberation occurs. At that time, the applicant, staff, or members of the public may participate only if called upon by the chair.

4. Continuance of Scheduled Agenda Item. When it appears that the Commission requires additional time and/or information for proper deliberation of a scheduled agenda item, or if the interests of fairness and justice would otherwise be served by a continuance, then the Commission may by a majority vote

continue an item to a date certain upon motion of a member, if such motion is made and passed prior to approval or denial of the agenda item.

Provided, however, that the member so moving shall publicly state for the record the reasons for the motion, and shall allow the proponent, opponent and staff the opportunity to state their position on the proposed continuance. In connection with such a motion, members shall act in good faith, and as a matter of course shall seek to obtain for the record the applicant's consent and agreement to the continuance. After an item is placed on a published agenda, an applicant may request that an item be continued or deleted prior to consideration by the Commission. If such a request is not made in advance of the meeting, then the Commission shall hear the applicant's request on the day of the meeting, and may grant such request upon a showing of good cause by the applicant. If for some reason the continuance is denied, then the applicant shall be advised of his or her right to withdraw the application and resubmit it at a later date.

Notwithstanding any of the foregoing, when without good cause an applicant fails to appear for hearing on any regularly scheduled, published agenda item, it shall be the policy of the Commission to continue the item once as a matter of course to a date certain, by motion and without hearing. Upon such continuance by the Commission, the applicant shall be notified in writing of the automatic continuance due to the applicant's failure to appear. The written notice shall advise the applicant of the date certain to which the item has been continued, and that failure to appear on the date certain indicated may result in a finding by the Commission that the applicant has abandoned the application, thus justifying denial of the application.

All continuances shall be to a date certain unless otherwise agreed-upon by the applicant and the Commission, and further continuance(s) may be requested at or before that time in accordance with these Bylaws.

5. <u>Public Hearing Procedure – Continued Items</u>. When any scheduled agenda item is continued to a date certain pursuant to and in accordance with the procedures set forth in Paragraph IV. B. 4., above, then the following procedures shall apply to the continued Item:

a. Where an item is continued for the purpose of receiving additional information for proper deliberation, and the Commission has determined that the interests of fairness and justice would be served thereby, upon receipt of such additional information on the continued hearing date the Commission shall re-open the public comment portion of the agenda item, such that proper deliberation and fair debate may occur regarding the additional information presented. Provided, however, that the chair may in his discretion reasonably limit the scope and duration of responsive testimony and evidence, to that which is relevant to the additional information. In this regard, at the continued hearing the c hair may make such evidentiary rulings as are reasonably necessary to limit the presentation of irrelevant, redundant or cumulative evidence.

b. Where an item is continued for any other reason (due to the lateness of the hour; the volume of information previously received; other time constraints; etc.), and the Commission has neither requested nor requires additional information for proper deliberation, then the Commission shall not be required to re-open the public comment portion of the agenda item, except as may be necessary to obtain explanation or clarification of information previously received, including opportunity for response and/or rebuttal; or, under such other circumstances as the Commission determines would serve the interests of fairness and justice.

c. The provisions of this paragraph shall not apply unless the continued item has been continued to a date certain for the purpose of receiving additional information regarding that item, and such additional information shall in fact have been presented and received at the continued hearing. Where no information is being presented (in the case of a requested continuance, for example), no public comment is required unless the interests of fairness and justice so require.

6. Executive Session. At any regular meeting, upon proper motion by a member, the Commission may hold an executive session pursuant to the provisions of C.R.S. § 24-6-402, as amended, for one or more of the following purpose(s), which shall be announced by the member making the motion and by the chair for the prior to convening the executive session:

a. Receiving legal advice from the attorney for the Commission on specific legal questions;
b. Considering matters required to be kept confidential by federal or state law, rule, regulation, or other lawful privilege;
c. Considering any documents protected by the mandatory non-disclosure provisions of the Colorado Open Records Act;
d. Any other lawful purpose, which shall be specified.

No adoptions of any proposed policy, position, resolution, decision, rule, regulation, or other formal action shall occur at any executive session not open to the public. All executive sessions shall be electronically recorded as provided by C.R.S. § 24-6-402, as amended, and shall otherwise comply with Colorado law in all respects.

V. MOTIONS AND VOTING

A. Procedure for Motions. After all evidence has been presented and due deliberation has occurred, the chair may entertain a motion from any member who has been properly seated. Members should use care in choosing language that accurately states his or her proposed motion. The member may briefly state the reasons for his or her motion before making it, but should not argue the substance of the motion until it has been seconded. Having spoken once, the member may not speak again until all other members who wish to speak have had opportunity, except to answer questions or respond comments posed by other members, or to withdraw the motion. Having made a motion, a member may neither speak nor vote against it.

Another member shall second the motion. All motions require a second. However, the seconder is not required to favor the motion and may speak and vote for or against it. This allows the merits of the motion to be heard and argued publicly, without regard to outcome. If there is no second, the chair shall not recognize a motion. Once seconded, a motion may not be withdrawn without the seconder's consent.

The chair shall re-state the motion accurately and asks for discussion. General debate and discussion follow, and the rules of speaking outlined above are followed. At the end of discussion or when the question is called, the chair shall re-state the motion and call for a vote.

B. Voting. Commission members shall vote orally by a calling of the roll. An affirmative vote of a majority of the seated members, (or alternates seated as such), is required to pass a motion recommending approval of any action. Otherwise, the item is deemed denied, except that where a motion to deny an item or approve it with conditions does not carry, the chair may entertain another motion, either to approve, approve without conditions or with modified conditions, or to deny or continue the item, such that the Commission fulfills its duty to clearly recommend some form of action.

The chair announces the result of the vote, and the motion is not completed until the result is announced. Results may be placed in the record of the Commission in accordance with the prepared resolution(s), along with any amendment(s) thereto, paying special attention to the recitation of Commission findings, determinations, and conclusions as set forth in the written resolution(s).

If the vote results in a tie, the applicant is entitled to re-hearing of the item within a reasonable time, upon the applicant's written request directed and delivered to staff within seven (7) days thereafter.

VI. EX PARTE CONTACTS AND CONFLICTS OF INTEREST

The regular members and alternates serving on the Commission are subject to and shall comply with the provisions of Article 2-10, **Code of Ethics**, BMC, as amended.

If a member is concerned that the appearance of impropriety may exist with respect to that member's participation in a particular item, but no actual conflict of interest exists, then prior to each hearing item so affected, that member should advise the chair accordingly, stating his or her concerns, and should state for the record whether the member believes that he or she can nevertheless act impartially. The chair shall then advise the applicant, and shall call upon the applicant to state for the record any objections that the applicant may have to the member's participation, or whether the applicant consents to such participation. If there are objections, then the member shall respectfully recuse himself or herself in the interests of fairness to the applicant, and shall not participate further in deliberation of that item.

VII. AMENDMENTS TO THESE BYLAWS

These Bylaws may be amended by the affirmative vote of three (3) Members of the Commission.

APPROVED BY A MAJORITY VOTE (FOUR MEMBERS) OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BRIGHTON, COLORADO, AT A REGULARLY SCHEDULED PUBLIC MEETING, DATED SEPTEMBER 25, 2025.