

Guidance for Public Meetings

Historic preservation review bodies (Historic Architectural Review Board (HARB), Historical Review Commission (HRC), Historic Commission (HC), etc.) may be advisory, however these boards still represent their municipality. It is, therefore, essential that preservation review bodies conduct business according to state and federal requirements, conduct business in a professional manner, provide appropriate legal protection to applicants and members of the public, and follow established rules of procedure.

The goal of this guidance is to offer defensible public meeting practices and help create professional processes which reflect the role of the preservation review body as representatives of the municipal government.

Boards/Committees/Commissions should engage the municipality's solicitor to establish formal meeting procedures and receive official interpretations of applicable laws.

Prior to the Meeting

- Review all applicable federal and state laws to ensure that meetings comply with the requirements.
- Ensure all meetings are open to the public and publicly advertised in accordance with the Sunshine Act 65 Pa. C. S. §§ 701-716, regardless of whether decisions will be made at the meeting.
- If necessary, boards may enter executive sessions at advertised meetings to for the following reasons:
 - Discuss personnel matters;
 - Consulting with its attorney or other professional advisor regarding information or strategy in connection with active, pending or potential litigation;
 - Or discussing business which, if conducted in public would violate a lawful privilege or lead to the discussion of information or confidentiality protected by law.¹
- Commission members must not discuss agenda items outside of an advertised public meeting.
- Public meetings should be accessible to applicants and members of public. Meetings should be held in ADA accessible locations. Additionally, meeting advertisements should let the public know how to request reasonable accommodations for individuals with disabilities or language barriers.
- Meeting spaces should be arranged to allow commission members to sit together facing the applicant and the public. All materials presented to or by the commission must be visible by the public.
- Public meetings must be welcoming for the public and applicants regardless of race, color, gender, religion, or national origin. For example, meetings should not include an opening prayer.
- All deliberations and official action taken on Commission business must take place during the open public meeting. Cases should not be discussed by commission members outside of the public meeting. This includes, but is not limited to, ad hoc meetings, discussions via email, text, phone conversations and social media commentary.
- Actions taken during the public meeting can only relate to cases/projects/properties which are publicly advertised.
- Meeting agendas should be posted at least 24 hours in advance of meetings. The agenda shall include a listing of each matter of business that will be or may be the subject of deliberation or official action.
- Previous meeting minutes should be available to commission members in advance for review and approval. Once approved, minutes must be made available to the public, upon request.

¹ The Sunshine Act lists additional valid reasons to enter into Executive Session. Decisions to enter Executive Session should be made with the advice and counsel of the municipal solicitor.

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- All preservation Boards and Commissions should have established procedures and rules of conduct which are followed during the meeting. The Board or Commission should periodically review these policies.

During the Meeting

- All meetings must include opportunity for public comment and all public comment shall be recorded in meeting minutes. Public comments on matters of official action or deliberation must be allowed prior to taking official action.
- All cases acted upon should be discussed to establish an official record of why the proposal does or does not meet the Board or Commission's own established review standards.
- Motions should include at minimum the property address, recommendation, applicable guidelines, and reference to relevant findings of fact. For example, *'I move to recommend approval for an addition at 123 Old House Court as proposed, based on the established findings of fact and because the addition conforms with Secretary of the Interior Standards number 9 and 10.'* If local review standards and/or design guidelines have been incorporated by ordinance, those standards should be referenced in the motion.
- Commissioners who have financial, personal, or professional interests in cases should formally recuse themselves from reviewing those cases. When recusing themselves, commissioners should identify the nature of their conflict. It is generally recommended that commissioners who recuse themselves should leave the room during the course of the review to allow the remaining participants to speak openly on the matter.
- Preservation review body chairs and other municipal representatives who have a role in meetings should rely on a pre-established script to run the business portions of the meeting. The script should include, at minimum, a call to order, overview of the agenda and meeting procedure, case procedures, and closing procedures. An example script can be found on the following page.

Sample Chair Script

Chair: I would like to call the **DATE** meeting of the **PRESERVATION REVIEW BODY NAME** to order at **TIME**. We welcome all staff, **PRESERVATION REVIEW BODY NAME** members, applicants, and guests. (Please be advised this meeting is being recorded and streamed to the **CHANNEL**.)* We will begin with a roll call to ensure there is a quorum. Would staff please call the roll.

Staff should read out each seated member's name and members in attendance should respond with 'present'. Staff should note if quorum is established once attendance is taken. If quorum is not present, no formal actions may be taken, but minutes should still be recorded.

Chair: (If you have quorum, proceed) We have a quorum. *Provide an overview of meeting procedures, for example, review your meeting procedure for the public so they know what to expect.* Now we will proceed with review of the minutes of **LAST MEETING DATE** meeting. Are there any corrections or questions regarding the minutes?

*Opportunity for corrections/discussion of the minutes.***

Chair: Can I have a motion on the minutes?

Preservation review body should approve the minutes with any comments/correction

Chair: Next we will move to new business. Will staff introduce the first case?

Staff report on the case to be reviewed including pertinent design guidelines.

Chair: Does the board have any questions? (If no, proceed.) Is the applicant in attendance and do they wish to speak on this project?

Allow opportunity for applicant presentation. Time may be limited per rules of procedure or by-laws.

Chair: Does the board have any questions? (If no, proceed.) Are there any members of the public in attendance who wish to speak on this project?

Allow opportunity for public comment.

Chair: Have there been any letters received by staff or submitted to the municipal office either in support or in opposition of this project? (If no, proceed. If yes, read the receipt of letters into the record) Now I will close the floor to public comment for board discussion.

Allow opportunity for board discussion. Staff, applicants, and members of the public may be called up to answer questions, but the focus should be on discussion by the board.

Chair: Can I get a motion on **PROJECT TYPE** at **ADDRESS**? (Once a motion is made) Can I have a second? (Once second is made) Is there any discussion regarding this motion? (If none) Can I have a vote?

A vote should be taken based on your rules or procedure or by-laws.

Chair: (If the motion carries) The motion carries. Thank you, applicants and staff. Could staff please introduce the next case? (If the motion fails) The motion fails. Can I have another motion? (Return to the chair script above.)

Repeat for all cases to be heard by the board.

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Chair: That wraps up our new business. Staff, is there any old business? (If there is no old business) Can I have a motion to adjourn. (Once a motion is made) Can I have a second? (Once a second is made) All in favor? (Once the ayes carry) This meeting is adjourned at **TIME**. Thank you to applicants, staff, board members, and guests. The **PRESERVATION REVIEW BODY NAME**'s next regularly scheduled meeting will be held at **TIME** on **DATE**.

*Only use this text if your community records, televises, and/or streams meetings.

**Corrections to meeting minutes are limited to those that pertain to the accuracy of how the minutes reflect the record, typos, and other technical and grammatical errors. Changes must not alter the intent or content of motions.