



**LIBRARIES DIVISION • HISTORICAL COMMISSION**

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## **Certified Local Government Recommendation Report**

*A report of the Cultural Resource Committee of the Broward County Historical Commission*

Committee Members

Steven Glassman, Chair  
James Bradley  
Paul Callsen  
Marla Sherman Dumas  
Alexander Lewy

Staff

Matthew DeFelice, County Archaeologist, Staff Liaison  
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Kao Ng, Administrative Aide

Approved by the Committee on April 12, 2012

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## Executive Summary

The Broward County Historical Commission was founded in 1972 under the leadership of Judge L. Clayton Nance. With his guidance, Broward County Ordinance #72-12 was enacted creating the Broward County Historical Commission, an independent advisory agency to the Broward County Board of County Commissioners with the expressed purpose of preserving the history of Broward County. Since its inception, the Historical Commission has fulfilled its purpose through a variety of activities including creation and maintenance of the Broward County archives, collections of historically and archaeologically relevant materials, history education programs, heritage and history celebrations and development reviews.

In the forty years since the Historical Commission was established, the landscape of Broward County has changed, vast tracts of undeveloped land have given way to new cities and little unincorporated County land remains. Currently, most all of Broward County is developed and the County's future growth is dependent upon redevelopment of existing residential and commercial buildings, infrastructure and limited undeveloped land. Future and current redevelopment present new challenges to historic preservation and places increased pressure on historic resources. As the County's official historic preservation office, the Historical Commission will need to play a more active role in continuing county historic preservation activities. In this environment, the Historical Commission's role in countywide historic preservation is perhaps more relevant today than it was in 1972.

It is important to recognize that in order to remain relevant, organizations must change over time, by necessity, either voluntarily or involuntarily. Organizations must adapt to maintain their purpose and meet the present needs and future challenges. On October 13, 2010, the Broward County Historical Commission underwent a major reorganization, a shift from an autonomous professionally staffed advisory agency to a sub-agency of the Library, supported and staffed by the Broward County Libraries Division. Under this new paradigm, it is necessary that the Historical Commission support relevant preservation policies in order to encourage historic preservation in Broward County and also to provide preservation oversight. Current need and future challenges will be best met by achieving Florida Certified Local Government (CLG) status.

Broward County's historic preservation program, the Historical Commission and its associated ordinances were once ahead of their time; however, it has become an outdated model that is being replaced by the State-encouraged *Florida Certified Local Government Program*. The Florida Certified Local Government Program has been in place since 1986 and since that time the program has assisted local governments in the survey, designation and preservation of thousands of historically and culturally significant structures and sites. Enacting legislation for the CLG program resides in the National Historic Preservation Act Amendments of 1980 and links federal, state and local government into a preservation partnership for the identification, evaluation and protection of historic properties. Designation as a certified local government, either as a municipality or a county, makes historic preservation a public policy through passage of a historic preservation ordinance. This ordinance establishes a historic preservation board to develop and oversee the functions of its historic preservation program.

Currently, 50 municipalities and 11 counties are CLGs including three Broward County municipalities (Fort Lauderdale, Hollywood and Pompano Beach). Only one county, Miami-Dade (2.2 million people) is larger by population than Broward County (1.6 million people), and the


smallest of which is Glades County (10,576 people). The significance of the CLG program is further evidenced by the 2012 Legislative Session House Bill *CS/HB 591: Archaeological Sites and Specimens* and Senate Bill *CS/CS/SB 0868: Archaeological Sites and Specimens*. The identical bills proposed law removing local municipal and county jurisdictions over municipally and county owned archaeological resources and place them in the jurisdiction of the State Division of Historical Resources. The law would have removed local jurisdiction of local government owned archaeological resources. Under the proposed legislation, only Florida Certified Local Government (CLG) counties and municipalities would retain jurisdiction over their locally owned archaeological resources. Though the bills were not passed citing strains on staff and resources of the Division of Historical Resources, they are expected to be reintroduced during the 2013 Legislative Session. Therefore, the Historical Commission decision regarding the CLG program needs to be made now.

CLG status will require an update of the current Broward County preservation ordinances as well as a restructuring of the Historical Commission. Toward that end, the Cultural Resource Committee (CRC) sees the need for two entities – one that would deal with the Historic Preservation requirements of the CLG and one that would handle the curatorial nature of the Commission's work which includes exhibits, artifacts, collections, Pioneer Day, Cultural Heritage Celebration, *Legacy* publication, etc. We envision a Historic Preservation Board that would consist of a maximum of nine members (one appointed by each County Commissioner) and the Historic Commission consisting of 13 members (one appointed by each County Commissioner and four selected At-Large). This would, in fact, divide the present 22 seats of the BCHC into two separate Boards.

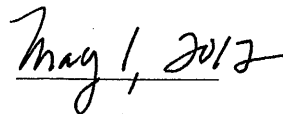
If the County Commission does not concur with this recommendation, as an alternative the CRC would envision reducing the present 22 seat Historical Commission to a nine-seat Board as the state is not likely to approve a larger Board to serve under the CLG program. This Board would have to take on the historic preservation functions as well as all of the other activities described in the preferred recommendation outlined above.

The Cultural Resource Committee of the Broward County Historical Commission, in a unanimous vote presents these findings and recommendations to the Broward County Historical Commission.

Sincerely,



Steven Glassman, Committee Chair



Date

## **Introduction**

The Broward County Historical Commission (BCHC) has on several occasions discussed the Florida Certified Local Government Program (CLG) in consideration of its Long-Range Plan. CLG status was identified as a Goal of the Broward County Long Range Cultural Heritage and Historic Preservation Strategic plan 2002-2007. In 2010, the Long Range Plan workshop identified that this goal was not achieved and again it was recommended as a long range goal; however, the 2010 Long Range Plan was never completed. Subsequently, the BCHC underwent a major reorganization in October 2010 when it was eliminated from the FY 2011 budget and reorganized under the Broward County Libraries Division. At the December 6, 2011, BCHC meeting, Chair Armbrister reconstituted the Cultural Resource Committee (CRC), an inactive committee that previously had been tasked with ordinance and preservation related issues. At its January 25, 2012, meeting, the CRC nominated Commissioner Steven Glassman as Chairperson; the nomination was accepted by Chair Armbrister at the February 7, 2012, BCHC meeting.

## **Committee Members**

Committee members appointed by Hazel Armbrister, Chair of the Broward County Historical Commission, include:

Steven Glassman, Chair  
James Bradley  
Paul Callsen  
Marla Sherman Dumas  
Alexander Lewy

## **Staff**

Staff assigned to the CRC by Robert Cannon, Broward County Libraries Director, include:

David Baber, County Historic Preservation Coordinator  
Matthew DeFelice, County Archaeologist  
Kao Ng, Administrative Aide

## **Scope**

The CRC was tasked with evaluating the Broward County Historical Commission and County Preservation program against the Florida Certified Local Government Program and to determine the best course of action for continuing historic preservation in Broward County. At its first meeting, the CRC determined it would identify inconsistencies between the County's ordinances and the Florida CLG Program. The CRC agreed to provide the BCHC with a document to aid the Broward County Board of County Commissioners in its decision making affecting historic preservation and archaeological sites. The committee adopted the following mission:

*To evaluate and determine if the best course of action for the continuance of the Historical Commission is as a CLG (Certified Local Government) program, and in furtherance of the above, to review applicable ordinances*

*for compliance, consistency and relevance with current and future development trends.*

## **Meetings**

CRC meetings were held at the BCHC offices at West Side Grade School, Fort Lauderdale, Florida. Meetings were publicly noticed in accordance with Section 286.011, Florida Statutes. Meeting dates were as follows:

January 25, 2012, 11:30 a.m.  
February 7, 2012, 5:30 p.m.  
March 3, 2012, 5:30 p.m.  
March 6, 2012, 5:30 p.m.  
April 3, 2012, 5:30 p.m.  
April 12, 2012, 4:00 p.m.  
May 1, 2012, 5:30 p.m.

## **CLG Program**

The Certified Local Government (CLG) program was enacted as part of the National Historic Preservation Act Amendments of 1980. The program links federal, state and local governments into a preservation partnership for the identification, evaluation and protection of historic properties. Designation as a certified local government, either as a municipality or a county, makes historic preservation a public policy through passage of a historic preservation ordinance. The ordinance establishes a historic preservation board to develop and oversee the functions of its historic preservation program.

Since its inception in 1986, Florida's Certified Local Government program has assisted in the survey, designation and preservation of thousands of historic and cultural resources and helped to increase public awareness of historic preservation. Participation in the program is also an important consideration in the local planning process, as governments in Florida are required to address historic preservation in comprehensive planning decisions. By identifying historic resources in a local government's comprehensive plan, proposed development projects will be reviewed for consistency with preservation goals and strategies.

Florida's Certified Local Governments are eligible to apply for special matching grants from the Bureau of Historic Preservation to assist their preservation programs. Funding is available for projects such as:

- Surveys to identify and evaluate significant historic properties;
- Nominations to the National Register of Historic Places;
- Preservation education materials such as booklets, brochures, slide or video programs; and
- Local historic preservation plans.

## **Benefits**

Across Florida, communities are taking action to preserve their unique historic character. The Florida Certified Local Government (CLG) Program, a local, state and federal partnership, can be a source of support and guidance in historic preservation efforts. Since its inception in 1986, Florida's CLG Program has assisted in the survey, designation and preservation of thousands of historic and archaeological resources. Awareness of the importance of historic preservation has also been enhanced statewide through the program.

The Florida CLG Program recognizes the greatest legal power to preserve lies with the local government. An effective local historic preservation program begins with the enactment of an historic preservation ordinance and the creation of a qualified historic preservation board. In Broward County the CLG Program can help ensure that the preservation program will be the strongest possible preservation tool for our community.

Designation as a Certified Local Government brings a number of benefits. In addition to affirming our County's commitment to historic preservation, CLGs may:

- Receive technical assistance and training, both on-site and at regional meetings, for staff and the members of their historic preservation boards;
- Have a formal comment role in the National Register nomination process for properties within their jurisdiction;
- Compete for special historic preservation matching grant funds set aside only for Certified Local Governments. Funding is available for projects such as surveys to identify and evaluate significant historic properties, preparation for National Register nominations and development of preservation education materials such as booklets and brochures; and
- Conduct project reviews for Florida's local option property tax exemption program (project reviews in communities that are not CLGs must be conducted by the Division of Historical Resources). The exemption is available for qualified improvements to historic properties listed in the National Register and/or designated by a CLG.

## **Requirements**

- Provide the State Historic Preservation Officer with 30 days prior notice of all meetings.
- Submit minutes of each meeting to the State Historic Preservation Officer within 30 days.
- Submit records of attendance of the Review Commission to the State Historic Preservation Officer within 30 days after each meeting.
- Submit public attendance figures for each meeting to the State Historic Preservation Officer within 30 days of action.
- Notify the State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations.
- Notify the State Historic Preservation Officer of changes in Review Commission membership within 30 days.
- Submit amendments to local ordinance to the State Historic Preservation Officer for review and comment at least 30 days prior to adoption.

- Submit an annual report by November 1 covering previous October 1 through September 30.

## **Broward County Preservation**

The BCHC, created in 1972, is committed to preserving records and artifacts of the County's heritage and raising awareness of local history. Further, it is the responsibility of the BCHC to identify and promote the protection of historic and archaeological resources located within Broward County. The BCHC serves as an advisory board to the County Commission of Broward County, Florida. These functions are administered by the Broward County Libraries Division which provides support by making staff, both employees and contractors, available. Cultural resource protection services are provided by the following activities:

- Certain development activities are reviewed with the goal of avoiding, minimizing or mitigating impacts to historic and archaeological resources.
- Historic and archaeological resources are locally designated in the unincorporated County as well as municipalities that do not have their own designation program.
- National Register of Historic Places nominations are prepared.
- Historic preservation technical assistance is provided to municipalities, organizations and individuals.
- Educational outreach is provided to those in Broward County about the importance of protecting and preserving our irreplaceable historic and archaeological resources.
- Curation of archaeological and architectural artifacts and survey reports.

## **Analysis**

It is clear from the review conducted by the CRC that the BCHC, as it is constituted today, cannot fulfill the goals established in various County ordinances with regard to historic preservation activities. Furthermore, Broward County does not meet the current requirements to achieve recognition as a CLG program. The attached spreadsheet demonstrates what amendments would be required to bring the County Code of Ordinances and the Administrative Code into compliance with the CLG requirements. The CRC considers these amendments to be achievable and if enacted will ensure that in the future, the historic preservation role of the Historical Commission will not be overlooked.

In developing the recommendation that the County Commission move forward with its application to the State of Florida to achieve CLG status, the Cultural Resource Committee recognizes that changes to the current configuration of the BCHC Board would be necessary. Toward that end, the CRC sees the need for two Boards – one that would deal with the Historic Preservation requirements of the CLG and one that would handle the curatorial nature of the Commission's work which includes exhibits, artifacts, collections, Pioneer Day, Cultural Heritage Celebration, *Legacy* publication, etc. We envision a Historic Preservation Board that would consist of a maximum of nine members (one appointed by each County Commissioner) and the Historical Commission Board consisting of 13 members (one appointed by each County



Commissioner and four selected At-Large). This would, in fact, divide the present 22 seats of the BCHC into two separate Boards.

If the County Commission does not concur with this recommendation, as an alternative the CRC would envision reducing the present 22 seat Historical Commission to a nine seat Board as the state is not likely to approve a larger Board to serve under the CLG program. This Board would have to take on the historic preservation functions as well as all of the other activities described in the preferred recommendation outlined above.

Regardless of which recommendation is adopted by the County Commission, it is imperative that dedicated staff needed to carry out the work required be assigned to support the Board once CLG status is attained.

## **Recommendation**

Based upon the CRC's review of relevant documents listed in the attached appendices, the CRC recommends to the BCHC that pursuant to Broward County Ordinance #74-14 as amended, the BCHC recommends that the Broward County Board of County Commissioners takes all actions necessary to achieve certification under the Florida Certified Local Government Program (CLG) including, but not limited to, the restructuring of relevant preservation ordinances. To this end, the CRC recommends the following motions.

### **First Historical Commission Motion:**

A MOTION to accept the *Certified Local Government Recommendation Report* prepared by the Cultural Resource Committee of the Broward County Historical Commission.

### **Second Historical Commission Motion:**

A MOTION to recommend to the Broward County Board of County Commissioners to pursue Florida Certified Local Government (CLG) status based on the *Certified Local Government Recommendation Report* of the Broward County Historical Commission as evidence for such action as attached hereto.

**APPENDIX A: Florida Certified Local Government Guidelines and  
Broward County Preservation Ordinance MATRIX**

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES and BROWARD COUNTY PRESERVATION ORDINANCE MATRIX

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INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be re-granted in the form of sub-grants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida’s procedures.

Under the Certified Local Government program the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

A. Definitions

- 1. Appropriate Chief Elected Local Official:** the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
- 2. Commission:** a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
- 3. Designation:** the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior’s Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
- 4. Florida Master Site File:** the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
- 5. Historic Preservation Fund:** the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
- 6. Local Government:** the city, county, township, municipality, or any other general purpose political subdivision in the state.
- 7. National Register of Historic Places:** 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 under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
- 8. Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG’s local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
- 9. State Historic Preservation Officer:** the official designated pursuant to s.267.031(7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

The following table compares Certified Local Government (CLG) requirements as contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470) to related Broward County Code Articles related to historic preservation to determine what amendments would be needed to conform to the CLG requirements.

NOTE: Other County Code articles that relate to or mention historic preservation are not included in the table because they do not relate to the CLG requirements. Examples: Chapter 5, Article IX (Land Development Code), Article XII (Natural Resources Area), Chapter 13 ½ (Floodplain Management), Chapter 25 ½ (Parks and Recreation), Chapter 31 ½, Article VI (Historic Preservation Tax Exemptions), Chapter 39, Article XXIV (Conservation Districts).

B. Requirements

1. **Enforce appropriate state or local legislation for designation and protection of historic properties.** (In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions):

CLG	Chapter. 5, ARTICLE XVI – Archaeological	Chapter 5, ARTICLE XVII – Historic	Chapter 1, ARTICLE VII – Historical Commission	Chapter, ARTICLE XII – Boards, Authorities and Agencies	Notes
a. The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.	The existing language is vague in purpose (i.e.: Legislative Findings Sec 5-521). It does not include authority for appointment to a Commission responsible for designation and protection of archaeological/ historical resources. The Broward County Commission is identified under Sec 5-523, NOT A PRESERVATION BOARD	The existing language does clearly state a legislative intent and purpose. (Sec. 5-530) This section does not include authority for appointment to a Commission responsible for designation and protection of archaeological/ historical resources. The Broward County Historical Commission is identified as the review body under Sec 5-523.			Art XVI – purpose should be clearly stated. Art. XVI and XVII will provide authority and role of the Preservation Board.
b. The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties.  The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.	The existing criteria diverges from the National Register criteria. The criteria is contradictory to designation criteria of Art XVII regarding LAPC status.  Criteria (Sec 5-523) includes designation process (review and mailings) this should be separated into different sections “criteria” and “process”.  There is no clear statement of how archaeological districts or sites will be bounded.  There is general description of how sites will be recorded (Sec 5-524). These processes approximate but are not consistent with the National Register documentation requirements.	The existing criteria diverges significantly from the National Register criteria and is potentially restrictive in what is eligible for local designation (Sec. 5-533).  Though designated sites are referenced by folio number, there is no requirement that boundaries of a site or district be clearly described or established.			Art XVI – “criteria” and “process” should be separated.  Art XVII – General - The National Register criteria is the norm for local designation legislation throughout the county. Criteria for designation should mirror the National Register criteria with additional language to reflect local influences and cultural patterns.  Art XVI – the process to identify, document and report boundaries should be clearly stated and will be consistent with the National Register.  Art XVII -A methodology establishing historic districts or individual property boundaries should be clearly stated.

CLG	Chapter. 5, ARTICLE XVI – Archaeological	Chapter 5, ARTICLE XVII – Historic	Chapter 1, ARTICLE VII – Historical Commission	Chapter, ARTICLE XII – Boards, Authorities and Agencies	Notes
c. The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.	The current legislation provides authority for and a process of review and rendering of decision. Review authority does not lie with the Historic Preservation Board, instead the “local government having jurisdiction”, the “Broward County Office of Planning” or “the Broward County Archaeological Society” are identified authorities.	Though confusingly written, there is a process for reviewing a nomination by the Historical Commission and approving it by the County Commission (Sec. 5-533)			Art XVI – review authority should be moved to the Historic Preservation Board/Commission in its capacity as a Broward County Advisory Board.  Art. XVII should be rewritten to be clearer.
d. The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the <i>Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i> .	The current legislation does not provide adequate review of proposals by the Preservation Board nor does it achieve the purpose of <i>Secretary of the Interior Standards for Archaeology and Historic Preservation</i> . The existing language doesn’t include criteria for “avoidance, minimization, or mitigation” of adverse impacts to sites (36 cfr 800).	Criteria for Certificates (COA) of appropriateness that meets and references the <i>Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i> are in place (Sec. 5-536).			Art XVI – language should include identification of an adequate historic preservation board review and include language to facilitate, “avoidance, minimization, and mitigation” requirements as outlined in 36 CFR 800.  Art. XVII – should be reviewed to seek improvements to the COA section.
e. The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.	Sec 5-528 provides authority to enforce and to uphold penalties, (Sec 5-529) however enforcement process is not mentioned, nor are penalties.	The following sections provide for enforcement – Sec. 5-540, penalties – Sec. 5-541 and appeals – Sec. 5-538.			Art XVI – language should include explicit enforcements and penalties (i.e.: Broward Code Enforcement, Sheriff’s Office) and penalties (mitigation funding etc.)
f. Specific time frames for reviews and for consideration of alternatives should be identified.	Sec 5-536 identifies process for reviewing properties identified during development and includes alternative planning and review process. The process does not include the Historic Preservation Board (instead identifies the <i>Local Government jurisdiction</i> , the <i>Broward County Office of Planning</i> and the <i>Broward County Archaeological Society</i> .	Time frames for reviews of both designations and COAs are provided for in Sec. 5-533, 5-535 and 5-536.			Art XVI – Language should include provisions for review by the Historic Preservation Board and include alternatives, avoidance, minimization and mitigation processes.

CLG	Chapter. 5, ARTICLE XVI – Archaeological	Chapter 5, ARTICLE XVII – Historic	Chapter 1, ARTICLE VII – Historical Commission	Chapter, ARTICLE XII – Boards, Authorities and Agencies	Notes
g. Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.	Existing legislation identifies a process for owner notification, public hearing and review (Sec 5—523b,c,d)	Owner and public notification for designations are provided for in Sec. 5-533 and 5-535 while notifications for COAs are provided for in Sec. 5-536.			

2. The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members (in accordance with paragraph B.2.c., below):

CLG	ARTICLE XVI – Archaeological	ARTICLE XVII –Historic	ARTICLE VII – Historical Commission	ARTICLE XII – Boards, Authorities and Agencies	Notes
a. Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous - with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.	N/A - This ordinance has no provision for designations to be reviewed by a body with associated expertise. Decisions are made by the County Commission with no input.	The size and composition of the Historic Commission is not found in Article XVII but in Article VII - Historical Commission. with no requirement that all members have a demonstrated interest in historic preservation.	The Historical Commission shall have 22 members with no requirement that all members have a demonstrated interest in historic preservation (Sec. 1-117).		<ul style="list-style-type: none"><li>▪ Most CLG boards in Florida have 5, few have 7 and even less have 9. It has been found that the larger the board, the more unworkable it is.</li><li>▪ There should be a small board, highly specialized in goals and operations.</li><li>▪ The CLG board should be guided established policies, procedures and practices.</li><li>▪ The existing HC board might be changed and/or eliminated to create CLG board.</li><li>▪ If the HC is not eliminated, the creation of the CLG board should break off historic preservation efforts from it.</li><li>▪ The existing HC board composition is larger and more comprehensive in scope and mission. There would be a small and specialized staff focused on historic preservation.</li></ul>
b. Appointments shall be made by the appropriate local official of the jurisdiction concerned.	N/A (see 2.a. above)	Appointment process to the Historical Commission is not found in Article XVII but in Article VII - Historical Commission.	Appointments to the Historical Commission are made by the County Commission (Sec. 1-117).		

CLG	ARTICLE XVI – Archaeological	ARTICLE XVII –Historic	ARTICLE VII – Historical Commission	ARTICLE XII – Boards, Authorities and Agencies	Notes
c. To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned. The Professional Qualifications Standards are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.	N/A (see 2.a. above)	Expertise of, the Historical Commission is not found in Article XVII but in Article VII - Historical Commission.	Only 2 of the 22 commission members are required to possess experience or expertise in the area of archaeology, general history, historic preservation, museums, archives, and/or curation.		
d. Commission members should be residents of the jurisdiction for which they serve.	N/A (see 2.a. above)			Members shall be residents and maintain residency during their term of appointment (Sec. 1-233)	

e. Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.	N/A (see 2.a. above)				
f. The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.	N/A (see 2.a. above)		Four members, the two possessing professional expertise as well as the school board and Seminole tribe representatives shall serve 4 year terms. The remaining 18 members serve for the term of the appointing County Commissioner (Sec. 1-117).		
g. Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.	N/A (see 2.a. above)		Currently, there is no timeline for filling vacancies.		



h. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.	N/A (see 2.a. above)				
i. Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.	N/A (see 2.a. above)		No language regarding training of commission members exists.		
j. The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties.	Sec 5-525 (designated sites) - authority lies with County Commission Sec 5-526 (Discoveries) authority lies with Local Jurisdiction, Broward County Office of Planning or Broward County Archaeological Society	COAs for alterations, relocations, demolitions and new construction are reviewed and approved by the Historical Commission (Sec. 5-536).			
K. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.	N/A (see 2.a. above)	There is currently no requirement or language about reviewing National Register nominations.			
1. The legislation shall contain specific time limits within which the Commission acts.	Sec 5-525 - time frame for designating Sec 5-526 – time frame for protection of discoveries	Time frames for reviews of both designations and COAs are provided for in Sec. 5-533, 5-535 and 5-536.			

m. The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.	N/A (see 2.a. above)	There is no specific requirement that staff be provided to undertake the responsibilities outlined in Article XVII.	There is no specific requirement that staff be provided to undertake the responsibilities outlined in Articles XVI or XVII.		
n. The Commission shall adopt Rules of Procedure for use in all transactions involving the public.	N/A (see 2.a. above)	The Historical Commission shall adopt rules of procedure for reviewing nominations for Historic designations or COAs and to govern the conduct of its work (Sec. 5-535).			
o. All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.	N/A (see 2.a. above)	There is no specific language to this effect currently in place.	There is no specific language to this effect currently in place.		

3. **The local government shall maintain a system for survey and inventory of historic properties.**  
The term “historic property” or “historic resource” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

CLG	Notes
a. The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.	There is not an established process or requirement for continued inventory survey or evaluation of NR eligible properties in Broward County.  The Comprehensive Plan (Future Unincorporated Land Use) includes a process for identifying Local Area of Particular Concern (LAPC) eligible properties during land use plan amendment s (policy 2.5.9 – 11).  The Housing Element includes a process to identify previously recorded historic properties during development and redevelopment activities (policy 8.5.2).
b. A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, , R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399.	The is no detailed inventory of designated archaeological or historical cultural resource sites. A process does exist for the mapping and recording of LAPC sites. LAPC maps are required by the Comprehensive Plan - Land Use Plan. *LAPC sites are not the same as designated sites per Art XVI (Archaeological Sites) and XVII (Historic Sites).
c. All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.	N/A
d. All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).	N/A
e. Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.	During Land Use amendments the Historical Commission (staff) review the affects of proposed land uses (policy 2.5.10 and 2.5.14) in unincorporated BC.

4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.

CLG	ARTICLE XVI – Archaeological	ARTICLE XVII –Historic	ARTICLE VII – Historical Commission	ARTICLE XII – Boards, Authorities and Agencies	Notes
a. All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.	N/A			This ordinance states that boards shall meet quarterly unless any such board determines that meetings are required more or less frequently (Sec. 1-233).	There is no specific mention in any of the articles that meetings shall be publicly announced, open to the public and have a previously advertised agenda. However, it notes in the By-laws for the Historical Commission that all meetings shall be conducted in accordance with the provisions of Chapter 119 of the Florida State Statutes.
b. Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.	N/A				There is no mention of minutes in any of these articles.
c. All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.	N/A	Notification of proposed review and recommendation by the Historical Commission is sent to the owners or applicants (Sec. 5-535). Owners/applicants are notified of final decisions by the County Commission (Sec. 5-533).			
d. Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.	N/A				The County currently has no process in place regarding the National Register program.

5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.

C. Procedures

1. Certification of Local Governments in Florida

CLG	Notes
a. The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:	This section identifies the process for applying for CLG status with the State of Florida.
(1) A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.	N/A
(2) A copy of the local legislation, per B.1., above.	N/A
(3) A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.	N/A
(4) A copy of the Commission's Rules of Procedure.	N/A
(5) Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.	N/A
(6) Resumes for staff members, if there is professional staff.	N/A
b. The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national historic preservation program shall be effective the date signed by the National Park Service.	N/A
c. The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.	N/A
d. Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.	N/A
e. The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.	N/A

## 2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

CLG	Notes
a. Once a local government is certified, it remains certified without further action unless officially decertified.	This section contains procedural requirement that will be required of the program if it becomes a CLG. This should not be included in the ordinance but perhaps should be included in the rules and procedures that will be adopted to become a CLG.
b. The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.	N/A
c. The Certified Local Government will supply at least 30 calendar days advance notice of Commission meetings to the State Historic Preservation, Officer.	N/A
d. A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.	N/A
e. The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.	N/A
f. The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.	N/A
g. Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.	N/A
h. If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the Interior, citing specific reasons for the recommendation.	N/A
i. Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice.	N/A

j.	Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.	N/A
k.	The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in <u>The Historic Preservation Fund Grants Manual</u> .	N/A

**3. Transfer of Funds.**

CLG	Notes
a. Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.	This section is dedicated to information regarding federal grant funding available from the state for CLGs.
(1) At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.	N/A
(2) Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds \$65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.	N/A
(3) There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation grant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.	N/A
b. Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:	N/A
(1) Maintain adequate financial management systems. Local, financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.	N/A
(2) Adhere to all requirements of the <u>Historic Preservation Fund Grants Manual</u> .	N/A
(3) Adhere to any requirements mandated by Congress regarding the use of such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.	N/A
c. The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.	
d. Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered sub-grantees of the Florida State Historic Preservation Office.	N/A

e. Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:	N/A
(1) Provide that the amount awarded any applicant must be sufficient to produce a specific impact.	N/A
(2) Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.	N/A
(3) Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.	N/A
(4) Ensure that no Certified Local Government will receive a disproportionate share of the allocation.	N/A
e. Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.	N/A
f. Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund re-grants to Certified Local Governments must be used for activities which further the goals of identification, evaluation, protection, and preservation of cultural resources.	N/A
g. Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the <u>Historic Preservation Fund Grants Manual</u> . In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.	N/A

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

CLG	Notes
a. The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.	The County currently has no process in place regarding the National Register program.
b. The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.	N/A

c. The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.	N/A
(1) Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.	N/A
(2) Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to the Commission a recommendation as to whether or not the property shall be nominated to the National Register.	N/A
(3) State Historic Preservation Officer.	
d. Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next Regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).	N/A
e. If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.	N/A
f. Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above	N/A
g. Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.	N/A



<p>h. Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30 calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.</p>	N/A
<p>i. Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 FR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]</p>	N/A

## **APPENDIX B: Reference Material List**

The following reference materials are available upon request.

- CLG Benefits Broward County
- Florida CLG Program FLTRUST
- CLG Requirements
- CLG Requirements Step by Step
- Article VI Historic Property
- Article VII Historical Commission
- Article XVI Archaeological Cultural Resource Sites
- Article XVII Preservation of Historical Cultural Resource Sites
- CLG Guidelines
- CLG LIST 2011
- Side by Side Comparison Showing Differences Between Broward County Code Chapter 5, Article XVII, Preservation of Historical Cultural Resource Sites and the Requirements for the Certified Local Government (CLG) Program (matrix)
- Page six of the *Broward County Long-Range Cultural Heritage and Historic Preservation Strategic Plan 2002-2007*
- South Florida CLG Grants
- Email from former Historical Commission Administrator Chris Eck to Vice Chair Steven Glassman which provides a copy of a letter addressed to Chair Hazel Armbrister regarding CLG
- Letter from former Historical Commission Administrator Chris Eck to Chair Hazel Armbrister regarding CLG
- Florida House Bill 591
- CLG Guidelines Matrix

## **APPENDIX C: Cultural Resource Committee Minutes**

**Broward County Historical Commission  
Cultural Resources Committee Meeting  
Wednesday, January 25, 2012**

**PLACE:** Broward County Historical Commission Building  
301 Harmon (SW 13<sup>th</sup>) Avenue  
Fort Lauderdale, FL 33312

**MINUTES**

The meeting commenced at 11:28 a.m.

1. Roll Call

***Committee Members Present:*** Paul Callsen, Marla Sherman Dumas, Steven Glassman, Alexander Lewy

***Committee Members Absent:*** James Bradley

***Staff Members Present:*** Libraries Manager Peggy Davis, Archaeologist Matthew DeFelice, Administrative Aide Kao Ng

***Others Present:*** Hazel Armbrister

2. Selection of Committee Chair

Commissioner Dumas moved that in keeping with the precedence of the Cultural Resources Committee, the Vice Chair of the Historical Commission, Steven Glassman, should (2/7/12) ~~will~~ serve as the Chair of the Cultural Resources Committee, seconded by Commissioner Lewy. The motion passed unanimously.

3. New Business

Commissioner Dumas provided a brief overview of the previous Cultural Resources Committee including the mention of past committee members and ~~charge~~ the reason the committee was originally established (2/7/12). Ms. Dumas advised the committee that the first charge was to review the inconsistencies in the County's ordinances and statutes pertaining to historic preservation and archaeological responsibilities. This would be in an effort to determine how to improve them and make them most effective in providing guidance to the County when making decisions affecting historic preservation and archaeological sites.

Ms. Dumas said that the committee should ~~recommend~~ present (2/7/12) a goal to the full Historical Commission.

There was consensus that the committee will report to the Historical Commission Board at its February 7, 2012, meeting that the mission of the Cultural Resources Committee will be to review, evaluate and determine if the best course of action for the continuance of the Historical Commission is as a CLG program. ~~In~~ and in (2/7/12) furtherance of the above, to review applicable ordinances for compliance, consistency and relevance with current and future development trends.

There was consensus that the committee will aim to provide a final report and recommendation to the Historical Commission Board at its May 1, 2012, meeting.

Commissioner Glassman indicated that committee members familiarize themselves with the information provided regarding CLG.

Commissioner Glassman requested that the committee meeting minutes be sent to all committee members ten days before each of the next meetings. Minutes for this meeting are to be sent as soon as possible due to the date of the upcoming meeting.

Commissioner Glassman requested that Matthew DeFelice provide to the committee members the ordinances that affect the Historical Commission.

#### 4. Next Meeting

There was consensus on the dates and time of future committee meetings. These meetings will be held at 5:30 p.m. in the Historical Commission conference room on February 7, March 6, April 3 and May 1. If needed, additional meetings may be added in between these dates.

#### 5. Adjournment

Committee Chair Glassman adjourned the meeting at 12:52 p.m.

**Broward County Historical Commission  
Cultural Resources Committee Meeting  
Tuesday, February 7, 2012**

**PLACE:** Broward County Historical Commission Building  
301 Harmon (SW 13<sup>th</sup>) Avenue  
Fort Lauderdale, FL 33312

**MINUTES**

Committee Chair Glassman called the meeting to order at 5:37 p.m.

1. Roll Call

***Committee Members Present:*** James Bradley, Paul Callsen, Marla Sherman Dumas, Steven Glassman, Alexander Lewy

***Staff Members Present:*** Historic Preservation Coordinator Dave Baber, Archaeologist Matthew DeFelice, Administrative Aide Kao Ng

2. Review and Approval of Minutes

The following corrections to the minutes for January 25, 2012 were made:

Page 1: Under 2. Selection of Committee Chair, "Commissioner Dumas moved that in keeping with the precedence of the Cultural Resources Committee, the Vice Chair of the Historical Commission will serve as the Chair of the Cultural Resources Committee, seconded by Commissioner Lewy.", should be "Commissioner Dumas moved that in keeping with the precedence of the Cultural Resources Committee, the Vice Chair of the Historical Commission, Steven Glassman, should (2/7/12) will serve as the Chair of the Cultural Resources Committee, seconded by Commissioner Lewy."

Page 1: Under 3. New Business, "Commissioner Dumas provided a brief overview of the previous Cultural Resources Committee including the mention of past committee members and charge.", should be "Commissioner Dumas provided a brief overview of the previous Cultural Resources Committee including the mention of past committee members and ~~charge~~ the reason the committee was originally established (2/7/12)."

Page 1: Under 3. New Business, "Ms. Dumas said that the committee should recommend a goal to the full Historical Commission.", should be "Ms. Dumas said that the committee should ~~recommend~~ present (2/7/12) a goal to the full Historical Commission."

Page 1: Under 3. New Business, "There was consensus that the committee will report to the Historical Commission Board at its February 7, 2012, meeting that the mission of the Cultural Resources Committee will be to review, evaluate and determine if the best

course of action for the continuance of the Historical Commission is as a CLG program. In furtherance of the above, to review applicable ordinances for compliance, consistency and relevance with current and future development trends.”, should be “There was consensus that the committee will report to the Historical Commission Board at its February 7, 2012, meeting that the mission of the Cultural Resources Committee will be to review, evaluate and determine if the best course of action for the continuance of the Historical Commission is as a CLG program.—~~In~~ and in (2/7/12) furtherance of the above, to review applicable ordinances for compliance, consistency and relevance with current and future development trends.”

Commissioner Lewy moved to approve the minutes as amended, seconded by Commissioner Dumas. The motion passed unanimously.

### 3. Old Business

#### a. Complete Review of Handouts

The following handouts were discussed:

- The Side by Side Comparison Showing Differences Between Broward County Code Chapter 5, Article XVII, Preservation of Historical Cultural Resource Sites and the Requirements for the Certified Local Government (CLG) Program
- CLG Pros and Cons

### 4. New Business

#### a. Review of Ordinances

Commissioner Glassman requested that staff determine if any of the ordinances affecting the Historical Commission have been amended since October 1, 2010.

Commissioner Glassman asked if any of the ordinances will change due to becoming a CLG. Mr. Glassman also noted that it would be good to have as a resource not just to what is affected but how the ordinances are affected.

Dave Baber indicated that Articles VII, XVI and XVII will change and will work with Archaeologist Matthew DeFelice to analyze Article XVI.

Mr. DeFelice brought to the attention of the committee that there is currently a bill in the Florida state legislature that will require local governments to adhere to state statutes for archaeological sites. Mr. Glassman requested that Mr. DeFelice keep the committee informed of this bill.

#### b. Format for Report to the Historical Commission

Mr. Glassman advised the committee to start thinking about the format of the report and how to present it to the Historical Commission Board.

#### 5. Next Meeting

The next Cultural Resources Committee meeting will be held on Tuesday, March 6, 2011, at 5:30 p.m.

#### 6. Adjournment

Committee Chair Glassman adjourned the meeting at 6:57 p.m.



The following handouts were provided to the Cultural Resources Committee:

- CLG Benefits Broward County
- Florida CLG Program FLTRUST
- CLG Pros and Cons
- CLG Requirements
- CLG Requirements Step by Step
- Article VI Historic Property
- Article VII Historical Commission
- Article XVI Archaeological Cultural Resource Sites
- Article XVII Preservation of Historical Cultural Resource Sites
- CLG Guidelines
- CLG LIST 2011
- Side by Side Comparison Showing Differences Between Broward County Code Chapter 5, Article XVII, Preservation of Historical Cultural Resource Sites and the Requirements for the Certified Local Government (CLG) Program (matrix)
- Page six of the *Broward County Long-Range Cultural Heritage and Historic Preservation Strategic Plan 2002-2007*
- South Florida CLG Grants
- Email from former Historical Commission Administrator Chris Eck to Vice Chair Steven Glassman which provides a copy of a letter addressed to Chair Hazel Armbrister regarding CLG
- Letter from former Historical Commission Administrator Chris Eck to Chair Hazel Armbrister regarding CLG
- Florida House Bill 591

**Broward County Historical Commission  
Cultural Resources Committee Meeting  
Tuesday, March 6, 2012**

**PLACE:** Broward County Historical Commission Building  
301 Harmon (SW 13<sup>th</sup>) Avenue  
Fort Lauderdale, FL 33312

**MINUTES**

Committee Chair Glassman called the meeting to order at 5:35 p.m.

1. Roll Call

**Committee Members Present:** Paul Callsen, Marla Sherman Dumas, Steven Glassman, Alexander Lewy

**Committee Members Absent:** James Bradley

**Staff Members Present:** Historic Preservation Coordinator Dave Baber, Archaeologist Matthew DeFelice, Administrative Aide Kao Ng

2. Review and Approval of Minutes

Commissioner Dumas moved to approve the minutes as written, seconded by Commissioner Callsen. The motion passed unanimously.

3. Old Business

a. Report Format for Historical Commission

There was consensus that the final report to the Historical Commission Board will include the following components:

- Executive Summary with recommendation on Certified Local Government (CLG)
- Appendix of Cultural Resources Committee meeting minutes
- All handouts as noted on the attached list that were distributed and reviewed by the committee, especially the one distributed at this meeting
- A summary of Florida House Bill 591, if the bill passes

b. Ordinance Revisions

Dave Baber gave an overview of the handout he provided to the committee that shows the criteria for becoming CLG compared to Articles VII, XII, XVI and XVII and how each ordinance is affected.

Due to an error, Mr. Baber and Mr. DeFelice will revise the handout. Commissioner Glassman requested that the revised copy be mailed to all the committee members.

#### 4. New Business

##### a. Ordinance Review

Mr. Baber said that Articles I and II reference historic resources to be considered part of the review process but is not related to the Historical Commission or the CLG process. Ms. Dumas requested that this be included as a footnote on the handout.

Ms. Dumas requested that Mr. Baber add as a footnote to the handout a reference to Article VI stating that it affects the Historical Commission but that no change is required. Mr. Baber added that Article VI has nothing to do with CLG.

Mr. Baber advised the committee that Article VII affects the composition of the Historical Commission Board.

##### b. Broward County Article XVI and Florida CLG Requirements Comparison

Mr. Baber said that the archaeology ordinance, Article XVI, does not reference the Historical Commission as making a recommendation for designation of archaeological sites. Such sites are designated directly by the Broward County Board of County Commissioners.

Mr. Baber advised the committee that every other program in the state that has a staff or contractor archaeologist position is a CLG.

##### c. House Bill 591 – Archaeology Sites and CLG Jurisdictions

Mr. DeFelice provided an update on House Bill 591. Under this bill, archaeological sites owned by local governments will be put under state jurisdiction. Archaeological sites owned by CLGs will be exempt from this. Mr. DeFelice added that he has been in touch with someone at the Broward County Office of Intergovernmental Affairs and Professional Standards Office, who has met with the bill sponsor on how to prevent Broward County from losing control of its own archaeological sites.

Mr. Glassman requested that Mr. DeFelice provide to the committee for its final report, information on the bill, how it passed, what it does and what control is lost if Broward County does not become a CLG.

Commissioner Lewy offered to contact his lobbyist to find out additional information on the bill. He advised the committee that he is expecting a call back.

#### 5. Next Meeting

The next Cultural Resources Committee meeting will be held on Tuesday, April 3, 2012, at 5:30 p.m.

#### 6. Adjournment

Committee Chair Glassman adjourned the meeting at 6:56 p.m.

The following handouts were provided to the Cultural Resources Committee (updated as of 3/6/12):

- CLG Benefits Broward County
- Florida CLG Program FLTRUST
- CLG Pros and Cons
- CLG Requirements
- CLG Requirements Step by Step
- Article VI Historic Property
- Article VII Historical Commission
- Article XVI Archaeological Cultural Resource Sites
- Article XVII Preservation of Historical Cultural Resource Sites
- CLG Guidelines
- CLG LIST 2011
- Side by Side Comparison Showing Differences Between Broward County Code Chapter 5, Article XVII, Preservation of Historical Cultural Resource Sites and the Requirements for the Certified Local Government (CLG) Program (matrix)
- Page six of the *Broward County Long-Range Cultural Heritage and Historic Preservation Strategic Plan 2002-2007*
- South Florida CLG Grants
- Email from former Historical Commission Administrator Chris Eck to Vice Chair Steven Glassman which provides a copy of a letter addressed to Chair Hazel Armbrister regarding CLG
- Letter from former Historical Commission Administrator Chris Eck to Chair Hazel Armbrister regarding CLG
- Florida House Bill 591
- CLG Guidelines Matrix

**Broward County Historical Commission  
Cultural Resources Committee Meeting  
Tuesday, April 3, 2012**

**PLACE:** Broward County Historical Commission Building  
301 Harmon (SW 13<sup>th</sup>) Avenue  
Fort Lauderdale, FL 33312

**MINUTES**

Committee Chair Glassman called the meeting to order at 5:38 p.m.

1. Roll Call

***Committee Members Present:*** Paul Callsen, Marla Sherman Dumas, Steven Glassman, Alexander Lewy

***Committee Members Absent:*** James Bradley

***Staff Members Present:*** Historic Preservation Coordinator Dave Baber, Archaeologist Matthew DeFelice, Administrative Aide Kao Ng

2. Review and Approval of Minutes

Commissioner Dumas moved to approve the minutes as written, seconded by Commissioner Callsen. The motion passed unanimously.

3. Old Business

a. Final Review of Ordinances

The committee conducted a final review of the revised CLG Guidelines Matrix handout. Mr. Glassman requested that the pages of this handout be numbered.

b. Final Report to the Historical Commission

Matthew DeFelice provided a draft copy of the final report for the committee members to review. Mr. DeFelice will make the revisions as discussed by the committee.

There was consensus that the appendices of the final report to the Historical Commission Board will consist of the following:

- Appendix I: CLG Guidelines Matrix handout
- Appendix II: Handouts List
- Appendix III: Minutes of the Cultural Resources Committee meetings

#### 4. New Business

Mr. Glassman requested that the committee continue to review the draft report and send their thoughts and comments to Mr. Baber and Mr. DeFelice.

#### 5. Next Meeting

The next Cultural Resources Committee meeting will be held on Thursday, April 12, 2012, at 4:00 p.m.

#### 6. Adjournment

Commissioner Lewy moved to recess and reconvene this meeting on April 12, 2012, seconded by Commissioner Callsen. The motion passed unanimously.

Another meeting will be scheduled to continue discussion on April 12, 2012.