

Rhode Island State Historical Preservation Review Board
Rules and Procedure

RHODE ISLAND STATE HISTORICAL PRESERVATION REVIEW BOARD

RULES AND PROCEDURES

I. Preamble

- a. In order to encourage the interest in the value of, and necessity of preserving, the historical, architectural, and cultural heritage of the State of Rhode Island and her citizens, pursuant to 54 U.S.C. § 302301(2) and R.I. Gen. Laws § 42-45-5(a)(12), these rules and procedures are proposed by the Rhode Island Historical Preservation and Heritage Commission and adopted on this 3rd day of August, 2020.

II. Name of the Board

- a. The name of this body is the Rhode Island State Historical Preservation Review Board.

III. Authority

- a. Authorization for the State Historical Preservation Review Board is provided by 54 U.S.C. § 302301(2) and R.I. Gen. Laws § 42-45-5(a)(12).
- b. The National Register of Historic Places notification and review process follows federal regulations 36 CFR 60, *et seq.* The Rhode Island State Register of Historic Places notification and review process follows state regulations 530 RICR 010-00-1, *et seq.*

IV. Definitions

- a. “Commission” means the Rhode Island Historical Preservation & Heritage Commission as established by R.I. Gen. Laws § 42-45-1, *et seq.*
- b. “Executive Director” means the Executive Director of the Rhode Island Historical Preservation & Heritage Commission, the appointed authorizing agent of the Commission.
- c. “National Register” means the National Register of Historic Places as established pursuant to the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 302101, *et seq.*).
- d. “Review Board” means the Rhode Island State Historical Preservation Review Board.
- e. “SHPO” means the State Historic Preservation Officer of the State of Rhode Island, Rhode Island’s representative in matters of historic preservation to the federal government, other state governments, and other interested parties. The SHPO is appointed by the Governor.
- f. “State Register” means the Rhode Island State Register of Historic Places.

V. Duties & Responsibilities

- a. The Review Board's duties and responsibilities include the following;
 1. Providing advice, guidance, and professional recommendations to the SHPO and Commission in carrying out duties and responsibilities in accordance with 54 U.S.C. § 302303(b)(2) and R.I. Gen. Laws § 42-45-5(a)(12);
 2. Reviewing and making recommendations on National Register nomination proposals, using the National Register of Historic Places Criteria for Evaluation, and ensuring such documents are accurate, complete, and technically well prepared;
 3. Reviewing and making recommendations on State Register nomination proposals, using the State Register Criteria for evaluation in conformance with 530 RICR 010-00-1.4(C)(2), and ensuring such documents are accurate, complete, and technically well prepared;
 4. Inviting individuals from the public to offer technical expertise, contribute personal knowledge, or to share professional experience relevant to a pending nomination in addition to regular public comment and participation;
 5. Participating in the review of appeals to rejected National Register nominations;
 6. Reviewing and making recommendations for any removal from either the National Register or the State Register;
 7. From time to time, adopting interpretations or clarifications regarding the application of the National Register of Historic Places Criteria for Evaluation;
 8. Providing advice and comment about documentation submitted to the National Park Service in conjunction with the Historic Preservation Fund including end-of-the-year reports, the state comprehensive historic preservation planning process, and certain grant documentation provided by the SHPO;
 9. Complying with all provisions of the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*);
 10. Performing such other duties as may be appropriate and otherwise advise the Commission when requested.

VI. Membership

- a. The Commission shall appoint members to the Review Board.
- b. All Review Board members must demonstrate competence, interest, or knowledge in historic preservation.
- c. The Review Board voting membership shall include no more than eleven persons.

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- d. In compliance with 36 CFR § 61.4(f)(1), a minimum of six Review Board members must meet the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards. These members must include:
 1. At least one individual meeting the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards for history;
 2. At least one individual meeting the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards for historic archaeology or prehistoric archaeology; and
 3. At least one individual meeting the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards for architectural history;
 4. At least one individual meeting the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards for historical architect;unless otherwise approved by the Secretary of the Interior in accordance with 36 CFR § 61.4(f)(2).
- e. In addition, the Review Board must include at least one professional qualified in each of the following fields:
 1. landscape architecture or history;
 2. pre-contact archaeology; and
 3. preservation planning.
- f. The term of office for each Review Board member is three years, beginning on February 1 and ending on January 31 or until the expiration of the term for which the member was appointed. All members may serve after their term expires until their successors are appointed and qualified. There is no limit to the number of terms a member may serve.
- g. Of the members initially appointed after July 4, 2020, four of the members shall be appointed for a term expiring on January 31, 2021; four for a term expiring on January 31, 2022; and three for a term expiring on January 31, 2023.
- h. At the start of a new term, each member shall confirm they understand these rules and amendments by signing and dating in the spaces provided below. Signed copies may be retained by the Commission for general record keeping.
- i. The absence of a Review Board member from three consecutive meetings will constitute a voluntary resignation from the Review Board without prejudice. Any resigned individual may be reappointed as a Review Board member by vote of the Commission.
- j. Except as noted in above subsection i. no voting member may be removed from the Review Board other than for just cause.

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VII. Officers

- a. The officers of the Review Board are the Chairman, Vice-Chairman, and Secretary.
- b. The Chairman and Vice-Chairman shall be elected from and among the members by majority vote.
- c. The term of office for each Chairman and Vice-Chairman is one year. With the consent of a majority of Review Board members and the officer, the term of office may be extended for a second year without election. Elections as necessary shall be held annually at the first regularly scheduled meeting subsequent to the first day of March, or as otherwise needed.
- d. The Secretary, an ex-officio and non-voting officer, is appointed to the Review Board by the Executive Director or his/her designee. The Secretary shall not be counted towards the Review Board's quorum.
- e. The duties of the Chairman are as follows:
 1. Preside over regular and special meetings in accordance with the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*);
 2. Create meeting agendas and add items recommended by the Commission and other Review Board members and officers;
 3. Ensure that members adhere to these rules and procedures and other applicable guidelines;
 4. Make committee assignments as necessary;
 5. Assign special responsibilities to members when required; and
 6. Sign approved minutes prepared by the Secretary and submit those minutes to the Commission.
- f. The duties of the Vice-Chairman are as follows:
 1. Assist the Chairman by ensuring public attendance, exhibits, and other items newly presented to the Review Board at meetings are accounted for; and
 2. Preside at meetings and perform all those duties usually performed by the Chairman in their absence.
- g. The duties of the Secretary are as follows:
 1. Assure that accurate minutes of all meetings are properly recorded;
 2. Handle correspondence as requested by the Chairman; and

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3. Schedule and arrange locations for Review Board meetings.
- h. If the Chairman and the Vice-Chairman are not in attendance at a meeting, those members present shall, by majority vote of present voting members, elect a Temporary Chairman.

VIII. Meetings

- a. The Review Board shall meet a minimum of three times with a calendar year. Additional meetings may be held as necessary to complete its work in a timely fashion but no meeting may be scheduled unless a majority (half of the members plus one) of the membership is planning to attend. Emergency meetings may be called by the Chairman only with notice of ten working days before the intended meeting.
- b. All meetings must be made open to the public for participation. All Review Board meetings must comply with the Rhode Island Open Meetings Act (R.I. Gen. Laws § 42-46, *et seq.*).
- c. Notwithstanding subsection b. above, remote meetings may be held pursuant to any orders or directives given by the offices of the Governor or the Attorney General.
- d. Members are expected to notify the SHPO and the Secretary if they expect they cannot attend a meeting.

IX. Compensation

- a. Review Board members shall serve without compensation but may be reimbursed for their documented reasonable actual expenses necessarily incurred in the performance of their duties.

X. Conflict of Interest

- a. In this section:
 1. “HPF” means Historic Preservation Fund.
 2. “Person” means Review Board members, their employees, agents, and family members.
 3. A “real conflict of interest” exists when a person may benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons as defined above. This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF grant program.

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4. An “apparent conflict of interest” exists whenever circumstances are such that a person may appear to be in a position to benefit (either through financial or personal gain) from the position he/she holds with respect to the HPF-assisted program or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons as defined above. This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF grant program whether or not such a conflict actually exists. An apparent conflict of interest also exists when a person may appear to have an unfair competitive advantage because of his/her relationship with the Review Board.
- b. In compliance with R.I. Gen. Laws § 36-14-5 and the Historic Preservation Fund Grants Manual, Chapter 3, Section C:
1. No person may participate through approval, disapproval, recommendation, or other decision concerning any National Register nomination, State Register nomination, or review and compliance case if such a real or apparent conflict exists.
 2. No person may participate in the selection, award, or administration of any HPF-assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists.
 3. No person may engage in outside employment or have a direct or indirect financial interest that conflict or would appear to conflict with the fair, impartial, and objective performance of assigned duties and responsibilities for administration of the Historic Preservation Fund program.
 4. No person may solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to potential or actual HPF grant awards or associated with a National or State Register nomination.
 5. When a real or apparent conflict of interest situation arises in the context of a voting situation, the person must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process (including presentation and discussion) and neither vote directly, in absentia, nor by proxy in that matter. The recusal and the reasons therefore must be recorded in the meeting minutes. Those in a position to make a decision must be fully informed as to the possible interest of the person abstaining and recusing himself/herself.
 6. When any person is involved in nonvoting situations and a real or apparent conflict of interest situation exists, the person involved must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process. The conflict shall be declared and documented in writing (by providing the name, date, and nature of the conflict) as soon as the situation becomes apparent but, at a minimum, before the issue or action for which the conflict exists is acted upon or

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brought to resolution. Those in a position to make a decision must be fully informed as to the possible interest of the persons involved.

- c. Any document memorializing a real or apparent conflict of interest shall be submitted to the Commission.

XI. Amendments

- a. These rules and procedures may be amended by approval of the Commission, provided that the amendment is submitted in writing to each member and to the SHPO no less than thirty days prior to the meeting at which the amendment is to be considered and is approved for proposal at any meeting by a vote of two-thirds majority of the total number of members present.

SIGNATURE

DATE