

**ORDINANCE No. 466**

**AN ORDINANCE RESTATING AND AMENDING RESOLUTION No. 2062 WHICH  
CREATED THE GRAND COUNTY HISTORICAL PRESERVATION COMMISSION  
AND DEFINED ITS DUTIES AND FUNCTIONS.**

**FINDINGS**

**WHEREAS**, Pursuant to Utah Code Annotated, Section 17-50-316-the Utah State Legislature enacted legislation that provides for the development of county historical and cultural resources. The County Council of Grand County, Utah has determined that substantial public interest exists within Grand County to preserve the historical records and oral histories of Grand County; and to better preserve those political and social institutions upon which the County has been established and continues to exist.

**WHEREAS**, The County Council of Grand County, Utah believes that the historical heritage of Grand County can best be identified, preserved and protected by the establishment of a commission subject to the jurisdiction and authority of the County Council of Grand County, Utah.

**WHEREAS**, The Utah State Legislature has further enacted Utah Code Annotated Section 17A-3-1303 to authorize local government to expend public funds for the purpose of identifying, preserving, protecting or enhancing historical areas and sites. The County Council of Grand County, Utah finds that the authority granted to it under Utah Code Annotated Section 17-50-316 can best be implemented through the creation of the Grand County Historical Preservation Commission.

**NOW THEREFORE**, pursuant to the laws of the State of Utah cited above, the County Council of Grand County ordains restating and amending the enabling language that establishes the Grand County Historical Preservation Commission as contained in Exhibit A of this ordinance.

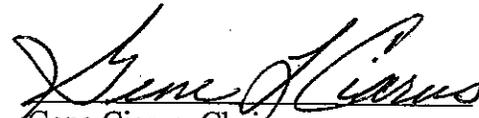
**COUNTY COUNCIL OF GRAND COUNTY, UTAH**

The above Ordinance was duly and regularly introduced and passed at a regular meeting of the Grand County Council, State of Utah on the 18<sup>th</sup> day of March, 2008 by the following vote:

AYES: Ciarus, McNeely, Graham, Holyoak, Greenberg, Lewis, Langianese

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

  
Gene Ciarus, Chairman

ATTEST: Diana Carroll  
Diana Carroll, Clerk/Auditor

**Exhibit A**

**Sections:**

**Establishment & Purpose.**

**Duties & Responsibilities.**

**Duties & Responsibilities Beyond Commissions Purview.**

**Organization.**

**Commission Members Appointment.**

**Vacancies.**

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**Removal of Members.**

**Adoption of Bylaws.**

**Compensation & Reimbursement.**

**Budget.**

**Council Administrator or Designee.**

**Establishment & Purpose.**

A. The Grand County Historical Preservation Commission (hereafter Commission) is hereby created and established. The Commission shall advise the County Council on the development of historical and cultural resources within the County.

**Duties & Responsibilities.**

The Commission shall be vested with the functions of identifying, preserving, protecting, and enhancing historic and prehistoric areas, records, information and sites within Grand County, Utah. The Commission shall advise the County Council on all matters contained within Utah Code Annotated Section 17A-3-1304 and shall:

A. **Survey and Inventory County Historic Resources.** The Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archeological resources within the County. The survey shall be compatible with the Utah Inventory of Historical and Archeological Sites. The survey and inventory documents shall be maintained and be open to the public. The survey will be updated at least every ten years.

B. **Review Proposed Nominations to the National Register of Historical Places.** The Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties within the boundaries of the County. When the Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before submitting its comments.

C. **Provide Advice and Information.** The Commission shall act in an advisory role to other officials and departments of local government regarding the identification and protection of local historic and archeological resources. The Commission shall work toward the continuing education of citizens regarding historic preservation and the County's history.

D. **Support Enforcement of State Historic Preservation.** The Commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: Utah Law 17A-3-1301- 1306, "The Historic District Act"; Utah Law Title 9 Chapter 8 History Development regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building, or object owned by the State of Utah and included on or eligible for the State or National Registers.

E. **Document Human History.** The Commission shall document human history by acquiring oral interviews, researching and collecting prior written and oral histories, and obtaining photographs of southeastern Utah citizens. This collection will cover early settlers to present- day citizens of all races.

#### **Duties & Responsibilities Beyond Commissions Purview.**

A. The Commission shall not have supervisory responsibility and shall not hire, fire, or discipline Grand County employees or interpret or administer Grand County Personnel Policies and Procedures.

B. Decisions regarding appropriation of funds reside with the County Council and the expenditures of funds with the County employee or supervisor that administers the budget.

#### **Organization.**

The Commission shall be organized and meet according to the following provisions:

A. The Commission shall consist of seven members with a demonstrated interest, or knowledge in historic preservation, and shall be appointed by the Grand County Council.

B. To the extent available in the community, two Commission members shall be professional, as defined by National Park Service regulations, from the disciplines of architecture, architectural history, archeology, history, planning, urban planning, American studies, American civilization, cultural geography, cultural anthropology or related field.

C. In light of the fact that early regional history has no boundaries, and greater Grand County laps over into San Juan County to the south, as well as boundary changes involving greater Green River/Elgin and Emery County to the west, no more than two members may be residents of San Juan or Emery counties as long as they have an interest in preserving Grand County's history.

#### **Commission Members Appointment.**

A. Appointment process for the Commission shall be according to the prescribed process approved by Ordinance or Resolution by the Grand County Council. Individual members of the Commission serving at the time the ordinance codified in this ordinance is approved shall fulfill their appointed terms.

### **Vacancies.**

A. Vacancies occurring by reason of death, resignation or other cause shall be filled to the date of expiration of the unexpired term by appointment of another person by the County Council upon the recommendation of the Commission.

### **Commission Officers.**

A. Officers elected by the Commission shall be elected at the first meeting in January each year. At a minimum, the Commission shall have the positions listed below. The Commission may adopt bylaws that have additional officers.

B. Chairperson. The Chairperson shall be responsible to call meetings, set the agenda, and conduct the meetings.

C. Vice-Chair. The Vice-Chair shall assume the duties of the Chair in his or her absence, and assist the Chair as needed.

D. Secretary. The Secretary shall be responsible for all public notices for Commission meetings. The Secretary shall submit an annual notice of the regular meeting schedule to the County Council's Office for publication in a newspaper of general circulation. The Secretary shall post the agenda and take/transcribe minutes for all regular meeting and special meeting of the Commission. Once minutes are approved by the Commission the Secretary shall ensure that the minutes and all attachments are available for public inspection at the County Courthouse. All duties performed by the Secretary shall be in accordance with the Open and Public Meeting Act 52-4 of the Utah Code.

### **Quorum & Meetings.**

A. Four members of the Commission shall constitute a quorum for the transaction of business. Members of the Commission shall meet a minimum of four times in any year, as determined by the Chairperson, and as necessary to fulfill the purpose and duties of the Commission. Meetings shall be in compliance with the Open and Public Meeting Act 52-4.

### **Removal of Members.**

A. Any member of the Commission may be removed by the County Council for cause.

### **Adoption of Bylaws.**

A. The members shall in all cases act as a Commission and shall adopt and amend rules and regulations for the conduct of their meetings and the management of the Commission as they deem proper but not inconsistent with Grand County ordinances and the laws of the State

of Utah. Proposed bylaws and amendments to bylaws shall be submitted to the County Council for review and approval in a County Council meeting.

**Compensation & Reimbursement.**

A. No compensation shall be paid to Commission members for their services. Expenses may be reimbursed to Commission members when all the following criteria have been met: 1) expense is associated with the Commission's business; 2) the County Council has appropriated funds for said expense; 3) the expense is authorized by the County employee who oversees the budget; and 4) the commission member submits the necessary paperwork required by the County for reimbursement.

**Budget.**

A. For the exercise of its authorized function, the Commission may be funded by public revenue of Grand County, Utah on an annual basis. Additionally, the Commission may accept contributions and gifts from the general public. All funds shall be accounted for in the Grand County/Clerk Auditor's Office.

**Council Administrator or Designee.**

A. The Council Administrator or a designee from the Community Development Department shall be assigned to assist the Commission in their functions.