

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-283

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES TO CLARIFY MEMBERSHIP ELIGIBILITY AND DUTIES AND RESPONSIBILITIES ASSIGNED TO THE HISTORIC PRESERVATION ADVISORY BOARD

WHEREAS, Section 305 of the Charter of the Incorporated County of Los Alamos ("County"), provides that the County Council may by ordinance create standing boards and commissions; and

WHEREAS, on May 2, 2017, County Council adopted Code Ordinance No. 02-271, which changed the name of the Historic Preservation Advisory Board ("Board") and adjusted membership and term years to enhance the functionality of the Board; and

WHEREAS, County is pursuing the designation of a Certified Local Government ("CLG") in a Historic Preservation program of the State of New Mexico, which provides a process enabling County to participate in the national historic preservation partnership and benefit from the technical expertise and grant opportunities offered through the New Mexico State Historic Preservation Division ("NMHPD"); and

WHEREAS, CLG designation and partnership with NMHPD expands County's involvement in preservation issues and participation in grant opportunities for archeological and architectural surveys of buildings, landmarks, trails, districts, etc., for historic preservation designation and maintenance and preservation projects; and

WHEREAS, the emphasis on historic preservation activities supports County Council's goal and priority in Economic Vitality – Build the local tourism economy, and Quality of Life – Implement a comprehensive range of recreational and cultural amenities that enhance the Los Alamos community; and

WHEREAS, the Code Ordinance No. 02-271 is hereby revised to include language required for CLG eligibility.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

Section 1. Section 8-52 of Article III, of Chapter 8 is hereby amended as follows:

Sec. 8-52. - Membership, terms and qualifications.

The historic preservation advisory board shall be composed of five (5) citizens, all of whom have a demonstrated positive interest, competence or knowledge in the competent and informed in the historic, architectural, and cultural traditions of the community. The county shall use its best efforts to ensure that two (2) members of the five are professionals whom meet the professional qualifications standards set forth in 36 CFR 61 as may be amended. Members shall be appointed for staggered terms of three (3) years. Vacancies on the board shall be filled within ninety (90) days through recruitments published in local newspapers and public service announcements.

Section 2. Section 8-53, of Article III, of Chapter 8, is hereby amended as follows:

Sec. 8-53. - Duties and responsibilities.

The historic preservation advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- (1) Inspections, investigations and recommendations regarding any sites, buildings, structures or areas within the county which the historic preservation advisory board has reason to believe are or will become important historic, architectural or cultural landmarks; and

- (2) Making of recommendations to the county council regarding:
 - a. Policies for the use and management of Fuller Lodge, including: user fees, charges, control of events during which alcoholic beverages are served, security, replacement of fixtures and furnishings, and maintenance of Fuller Lodge;
 - b. Compliance with all federal, state and county laws, regulations, codes, ordinances and resolutions applicable to Fuller Lodge and other important historic, architectural or cultural landmarks owned or controlled by the county;
 - c. Use of proceeds from grants or any historic building improvement tax approved by voters of the county at any general election or special election called for that purpose following the adoption of a resolution pursuant to the Historic Building Improvements Act, NMSA 1978, §§ 4-55b-1 to 4-55b-5 (1993 Supp.);
- (3) Make such recommendations as reasonably necessary on historic preservation issues to the planning and zoning commission, variance board, and county council, including but not limited to, site plans and variance requests in historic districts.
- (4) Provide citizen input to staff and council on ways and means for improving the county's historic preservation program. For this purpose, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.
- (5)
 - a. ~~Recommend ways to involve and educate the community on historic preservation issues.~~ The board will hold regular meetings each month. The agenda will be posted for public information in the local newspaper, on the county bulletin board of legal public postings, and on the county web page site. The minutes will be posted for public review after approval by the board on the county web site. The agenda will be provided to the State Historic Preservation Division.
 - b. One regular meeting may be set aside each year for informational or educational purposes pertaining to the work and functions of the HPAB. The NM Historic Preservation Division staff are invited to attend all meetings.
 - c. The board shall call for special meetings as required to review an application for Historic Property Alteration within 10 days of receiving the request. Also, the board shall call for special meetings within 40 days of receiving an application for new construction. The final recommendation from HPAB will be presented to the county's Planning and Zoning Board.
- (6) ~~Such other activities, duties and responsibilities related to Fuller Lodge or the historic districts as may be assigned by the county council.~~ The HPAB shall undertake ongoing survey and research efforts to identify historic, architectural, and archaeological resources within the community. As part of the survey, the Board shall review and evaluate prior surveys and studies. Surveys shall be completed according to guidelines established by the Survey Standards in NMCA Title 4, Chapter 10, Part 10.13, as may be amended. The survey shall be coordinated with and complimentary to the New Mexico Cultural Resources Information System (NMCHRIS) which is the State Historic Preservation Division's archaeological records management and historic cultural properties inventory system. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years in accordance with state law.
- (7) Review proposed nominations for listing in the National Register of Historic Places. The HPAB shall review and comment to the State Historic Preservation Officer on all proposed nominations for listing in the National Register for properties within the boundaries of the county. When the HPAB considers a National Register nomination which is normally evaluated by professional in a specific discipline and that discipline is not represented on the board, the board shall see expertise in that area before rendering its decision.

- (8) Notice of public hearings, substantially in the same form as set forth in subsection (b)(1) of Chapter 16-192, shall be posted in a conspicuous place at the county municipal building at least ten days prior to the public hearing.
- (9) Such other activities, duties, and responsibilities related to Fuller Lodge or the historic districts as may be assigned by county council.

Section 3. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 4. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 3rd day of April, 2018.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

David Izraelevitz, Council Chair

ATTEST: (Seal)

Naomi D. Maestas
Los Alamos County Clerk