

Guidelines for Participation in Missouri's Certified Local Government Program

I. INTRODUCTION

Since 1966, when Congress enacted the National Historic Preservation Act, establishing a preservation program for the United States, the national historic preservation program has operated as a decentralized partnership between the federal government and the states. In the simplest of terms, the federal government established a program of identification, evaluation and protection of historic properties that the states, primarily, carry out. The success of that working relationship prompted Congress to expand the partnership to provide for the participation of local governments. The National Historic Preservation Act of 1980 (P.L. 96-515) contains the legal basis for the new federal-state-local preservation partnership. The role of the "certified local governments" in the new partnership involves, at a minimum, 1) responsibility for review and approval of nominations of properties to the National Register of Historic Places, and 2) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for "certified local governments." In order to become certified, a local government must meet several requirements, including enactment of an historic preservation ordinance and establishment of a qualified preservation commission. The federal law directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of this document is to outline how the partnership will be implemented in Missouri.

II. DEFINITIONS

For the purposes of clarity, the following definitions shall apply in regard to these guidelines:

- A. "**Certified Local Government**" or "**CLG**" means a local government certified as meeting the requirements set forth in these guidelines.
- B. "**Chief elected official**" means the elected head of a local government
- C. "**Historic Preservation Fund**" or "**HPF**" means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for the historic preservation programs and projects.
- D. "**Historic preservation review commission**" or "**commission**" means a board, council, commission, or other similar collegial body that is established in accordance with these guidelines.
- E. "**Local government**" means a city, county, municipality, town or village, or any other general-purpose political subdivision of the state.
- F. "**Missouri Advisory Council on Historic Preservation**" means the commission appointed by the Governor, which is responsible for review and nomination of all Missouri properties to the National Register of Historic Places.
- G. "**National Register of Historic Places**" means 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.
- H. "**The National Register Programs Manual**" means the manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally-related

historic preservation programs of the states and local governments.

I. **"State Historic Preservation Officer"** or **"SHPO"** means the official within the state who has been designated and appointed by the Governor to administer the state historic preservation program. In Missouri, the SHPO is in the Department of Natural Resources.

III. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENTS PROGRAMS

Pursuant to the National Historic Preservation Act of 1966, as amended, and subsequent regulations promulgated by the National Park Service on April 13, 1984 (36 CFR Part 61), certified local government programs must meet five broad criteria. These criteria are outlined below, along with further amplification and definition of the guidelines that must be met by a local government to achieve certification in Missouri.

A. The local government shall ***"enforce appropriate state or local legislation for the designation and protection of historic properties with provisions to achieve substantially the purpose of identification, evaluation and protection of cultural resources within the jurisdiction of the CLG"***.

1. Such legislation (defined as a local historic preservation ordinance plus appropriate historic preservation review commission bylaws, adopted resolutions and rules of procedure) shall include the following provisions, at a minimum:

- a. Statement of purpose;
- b. Establishment of a historic preservation review commission and a grant of powers;
- c. Procedures for the designation of historic districts and individual landmarks;
- d. Clearly defined standards and criteria for the designation of historic districts and individual landmarks;
- e. Definition of actions that shall be reviewed by the commission, including proposed alteration, relocation, demolition or new construction affecting designated properties;
- f. Standards and guidelines for the review of such actions by the commission;
- g. Specific time frames for review; and
- h. Procedures for appeals.

2. To ensure consistency of review, it is recommended that the local ordinance reference, where possible, the National Register Criteria and the Secretary of the Interior's "Standards for Rehabilitation."

3. At the request of a local government, the SHPO shall provide preliminary review of an existing, newly proposed or revised ordinance.

B. The local government shall ***"establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members."***

1. The commission shall have no fewer than five members.
2. Commission members shall have a demonstrated interest, competence or knowledge in historic preservation.
3. To the extent available in the community, the commission shall include professional members representing such disciplines as architecture, architectural history, history, archaeology, planning, urban design, cultural geography or any other fields related to historic preservation. Local governments requesting certification must demonstrate that they have made a reasonable effort to secure such professionals as commission members.
4. If certain critical disciplines are not represented on the commission, the CLG shall seek the advice of consultants to assist the commission in reviewing a particular action. (For instance, an archaeologist might be consulted in regard to the impact of excavation for a new high-rise building on previously undisturbed land, while an architectural historian might be consulted for advice in regard to the significance of a building proposed for nomination to the National Register.) Possible sources for such consultants include universities, colleges, state or local preservation organizations, and architectural or planning firms.
5. Terms of office of commission members shall be staggered and of no less than two-year duration (except as provided in the initiation of a commission). The two-year term shall not be construed as preventing a member from serving more than one consecutive term.
6. The local appointing authority shall initiate action to fill vacancies, including expired terms, within 60 days.
7. Commission meetings shall be held at regular intervals and at least four times a year.
8. The commission shall submit an annual report on its activities to the chief elected official for submission to the SHPO. The annual report shall include, but shall not be limited to, such items as: the number and types of cases reviewed, new designations made, revised resumes of commission members, new appointments to the commission, attendance records, and all minutes relating to National Register nominations. Reports shall be submitted within 60 days after the end of the fiscal year and shall form the basis for the SHPO's assessment of the CLG's performance.
9. Each commission member shall attend at least one informational or educational meeting, approved or conducted by the SHPO, pertaining to historic preservation. The SHPO shall initiate or develop training programs to assist commissions in meeting this requirement.
10. The commission shall be responsible for the following:
 - a. Identifying and designating historic districts and landmarks within the jurisdiction of the CLG;
 - b. Reviewing all alterations, relocation, demolition or new construction affecting designated properties under the jurisdiction of the CLG.
 - c. Reviewing all proposed National Register nominations for properties within the jurisdiction of the CLG.
11. The SHPO may, at his/her discretion and mutual agreement with CLG, delegate further responsibilities to the local commission. The CLGs may petition to assume greater

responsibility for eligible historic preservation program activities provided they have sufficient and qualified staff.

C. The local government shall ***"maintain a system for survey and inventory of historic properties."***

1. The CLG shall begin or continue a SHPO-approved process to identify historic properties with its jurisdiction.
2. A detailed inventory of the districts, sites and/or structures designated within the CLG's jurisdiction shall be maintained.
3. All inventory material shall be:
 - a. In conformance with standards and guidelines for cultural resource inventory as established by the SHPO;
 - b. Compatible with statewide comprehensive historic preservation planning process;
 - c. Provided in a format consistent with a. and b. above;
 - d. Accessible to the public (except of archaeological site locations, which shall be restricted);
 - e. Updated periodically; and
 - f. Available through duplicates on file with the SHPO.
4. At the discretion of the SHPO, the requirement for submission of duplicate inventory materials to the SHPO may be waived for CLG's not requesting pass-through funding.

D. Local governments shall ***"provide for adequate public participation in the local historic preservation programs, including the process of recommending properties to the National Register."***

1. All commission meetings shall be open to the public. Public announcement of such meetings shall be made in a timely fashion prior to the meeting date.
2. Commission meetings shall be held at regular intervals, at least four times a year.
3. Careful minutes of all commission actions, including the specific reasons for making decisions, shall be kept on file and available to the public.
4. Applicants shall be given written notification of commission decisions, including specific reasons for the decisions.
5. Rules of procedure shall be adopted by the commission and shall be available to the public.
6. Guidelines and criteria for the designation of properties and the review of actions affecting those properties shall be developed by the commission and made available to the public.

E. Local governments shall ***"satisfactorily perform the responsibilities delegated to it"*** by the SHPO, as outlined under A.--D. above.

IV. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

A. The chief elected official of the local government shall request certification from the Missouri SHPO. The request for certification shall include the following:

1. A written assurance by the chief elected official that the local government will fulfill all of the requirements for certification as outlined in III. above;
2. A copy of the local historic preservation ordinance;
3. A listing of any historic districts or individual landmarks designated under the local ordinance, along with statements of the historical significance of the properties, photographs and maps indicating their locations and boundaries;
4. Resumes for each of the members of the historic preservation commission, including, where appropriate, credentials as to members' expertise in fields related to historic preservation;
5. A copy of the local historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation and protection activities; and
6. Resumes for staff, if petitioning for additional responsibilities under III.B.11. of these guidelines. (If requested, the SHPO will consider professional staff in conjunction with the credentials for review board members in determining whether the local preservation commission meets the requirements set forth under III.B.3.)

B. The Missouri SHPO shall respond to the chief elected official within 60 days of receipt of an adequately documented, written request.

C. If, upon review of the local government request, it is determined that the proposal fulfills the requirements and guidelines for certification as stated herein, the SHPO shall prepare a written certification agreement to be enacted between the SHPO and the CLG. The agreement shall outline the specific responsibilities of the CLG when certified, including:

1. The five minimum responsibilities cited under III. A.--D. above;
2. Any additional responsibilities delegated by the SHPO to all CLGs in Missouri, and
3. Any other responsibilities delegated by the SHPO pursuant to III.B.11.

The SHPO shall forward the CLG's request for certification and a copy of the above referenced written certification agreement to the Secretary of the Interior. If the secretary does not take exception to the request within 15 working days of receipt, the local government shall be regarded as certified by the secretary.

V. PROCESS FOR MONITORING AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS.

A. The SHPO shall conduct periodic review and monitoring of certified local governments to assure

that each local government is fulfilling the requirements for certification.

1. The SHPO shall conduct an annual assessment of the CLG's performance, by means of review of the annual report, which shall be submitted by each certified local government.
2. The SHPO shall review the minutes of local commission meetings. Such minutes shall be provided to the SHPO at the same time they are provided to commission members, on a quarterly basis at a minimum.
3. The SHPO shall conduct a periodic review of products developed or submitted by the CLG, such as survey data, National Register nominations, planning activities, etc., to ensure conformance of any grant-assisted projects with Missouri's statewide comprehensive historic preservation planning process and with pertinent federal standards and criteria for HPF programs.
4. The SHPO shall be responsible for periodic review of the fiscal management of Historic Preservation Fund monies allotted to the CLGs.

B. If the SHPO determines that the performance of certified local government does not meet the minimum criteria for continued certification, the SHPO shall document that assessment and recommend to the certified local government steps that should be taken to improve performance. The CLG shall have a period of not less than 30 days nor more than 120 days in which to implement improvements. If, at the end of the appropriate period, the SHPO determines that sufficient improvement has not occurred to bring the certified local government in conformance with the minimum requirements, the SHPO shall recommend decertification of the local government to the Secretary of the Interior, citing the specific reasons for the recommendation.

C. A certified local government may petition the SHPO for decertification voluntarily. A letter from the chief elected official shall be the appropriate vehicle for such requests.

D. In the event of the decertification of a CLG, the SHPO shall conduct financial assistance closeout procedures in accordance with the National Register Programs Manual.

VI. PARTICIPATION OF CERTIFIED LOCAL GOVERNMENTS IN THE NATIONAL REGISTER NOMINATION PROCESS

The certified local government shall assume the responsibility for review and comment on all proposed nominations for properties within its jurisdiction. However, the authority to nominate Missouri properties directly to the National Register of Historic Places shall rest with the SHPO and the Missouri Advisory Council on Historic Preservation, pursuant to federal law and regulation.

A. The CLG shall be responsible for review of all National Register nominations within their jurisdiction.

1. The local commission shall develop or receive the documentation necessary to nominate a property to the National Register. This documentation shall be submitted by the commission to the Missouri SHPO for subsequent review by the staff and the Missouri Advisory Council on Historic Preservation.
2. In the event that a completed National Register nomination for a property within the jurisdiction of a CLG should be received by the SHPO without prior review by the CLG, the SHPO shall forward a copy of said nomination to the CLG within 30 days. The SHPO simultaneously shall inform the property owner of the transmittal of the nomination to the

CLG.

B. The CLG shall be responsible for providing comments on proposed National Register nominations within their jurisdiction.

1. **Both** the local commission and the chief elected official of the CLG shall inform the SHPO and the property owner(s) of their separate opinions regarding the National Register nomination within 60 days of receipt of the nomination data from the owner or the SHPO.

2. If both the local commission and the chief elected official support the nomination, and if the nomination form is complete and sufficient, then the SHPO shall notify the property owner(s) within 30 to 75 days prior to the meeting of the Missouri Advisory Council on Historic Preservation at which the nomination will be considered.

3. Likewise, if either the local commission or the chief elected official supports the nomination, then the SHPO shall notify the property owner(s) within 30 to 75 days prior to the meeting of the Missouri Advisory Council on Historic Preservation at which the nomination will be considered.

4. If both the local commission and the chief elected official oppose the nomination, it shall not be forwarded to the SHPO.

C. Nominations approved by the SHPO and the Missouri Advisory Council on Historic Preservation shall be forwarded to the Keeper of the National Register in Washington, D.C.

D. Nominations not approved by the SHPO and the Missouri Advisory council on Historic Preservation shall be returned to the CLG, along with an explanation of the Missouri Advisory Council on Historic Preservation's comments and, where appropriate, suggestions for improvements.

E. Any appeal procedures promulgated by the National Park Service pertaining to local or state decision shall be followed.

VII. TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

A share of the HPF allocation to Missouri shall be available to certified local governments on a 60-40 basis for historic preservation activities and projects, unless otherwise authorized by the SHPO. (At present, federal law provides that 10 percent of the HPF allocation to Missouri be set aside for transfer to certified local governments.) The intent is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities. **Certified local governments may participate in the review and approval of National Register nominations whether or not they elect to apply for HPF transfer funds.**

A. General Requirements

1. All local governments certified pursuant to IV. above shall be eligible for funding.

2. However, the SHPO is not required to award funds to all local governments that are eligible to receive funds.

3. Any CLG receiving HPF monies shall be considered a subgrantee of the state of Missouri.

4. HPF grants received by a CLG shall not be applied as matching share for any other federal

grant.

5. Indirect costs may be charged as CLG grant expenditures **only** if:

- a. The CLG meets the requirements of the National Register Programs Manual, and
- b. The CLG has a current indirect cost rate approved by the cognizant federal agency.

B. In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation to Missouri, the CLG must:

1. Have adequate financial management systems that:

- a. Meet federal standards of the Office of Management and Budget Circular A-102, Attachment G., "Standards for Grantee Financial Management Systems;"
- b. Are auditable in accordance with the General Accounting Office's **Standards for Audit of Governmental Organizations, Programs, Activities, and Functions;** and
- c. Are available for periodic evaluation by SHPO in accordance with OMB Circular A-102, Attachment P, "Audit Requirements:"

2. Adhere to all requirements of the National Register Programs Manual; and

3. Adhere to any requirements mandated by Congress pertaining to the HPF.

C. Technical Assistance

The Missouri SHPO is prepared to assist local governments in developing and implementing financial management systems that meet the requirements listed under A. and B. above.

D. Criteria for Selection

1. All proposals shall be evaluated and selected by the SHPO according to the following criteria:

- a. Clearly stated and specific goals that are realistically attainable with the amount of funds provided and within the funding period;
- b. Demonstration of an understanding of state and local preservation priorities including efforts to advance the identification, evaluation and protection of properties significant in Missouri's history and prehistory, and efforts to ensure maintenance of these properties; and
- c. Assurance of matching share.

2. In addition, all proposals shall be reviewed in terms of the Funding Priorities below for conformance with state and federal goals and objectives.

3. The rationale for selection of CLG grant proposals and for the amounts awarded shall be

made available by the SHPO upon request.

E. Funding Priorities

1. The Missouri SHPO shall award funds on a competitive basis to CLGs based on the following priorities:
 - a. Administration of local preservation programs with emphasis on completion of the identification phase, that is, survey/inventory of cultural resources;
 - b. Administration of local preservation programs with emphasis on completion of the evaluation phase, that is, nominations to the National Register of Historic Places; and
 - c. Administration of local preservation programs with emphasis on the protection phase, that is planning for and implementation of strategies to ensure long-term preservation of cultural resources.
2. The SHPO shall award funds to certified local government programs that are consistent with Missouri's comprehensive resource planning process.
3. The SHPO shall endeavor to distribute CLG funding to the maximum number of qualified local governments throughout the state and to insure a reasonable distribution between urban and rural areas.
4. The SHPO shall consider other priorities or conditions as may be set forth by the National Park Service for HPF administration.

F. Application for Funding

The chief elected official of the CLG shall request funding by means of an annual application to the SHPO. The appropriate application forms shall be made available by the SHPO. The application timetable may be subject to modification due to fluctuations in federal allocation procedures. The distribution of grant applications, deadline for submittal of grant applications, and awarding of grants shall be done on the same schedule as other HPF grants.