How to Apply for Designation As A

Certified Local Government

In Virginia

Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

www.dhr.virginia.gov

THE CERTIFIED LOCAL GOVERNMENT PROGRAM

Created by the National Historic Preservation Amendments Act of 1980, the Certified Local Government (CLG) program allows the State Historic Preservation Officer - in Virginia, the Director of the Department of Historic Resources - and the Secretary of the Interior to certify for formal participation in the national historic preservation program local governments that have certain elements of a preservation program in place. General requirements for certification are identified by federal law; specific requirements for the Virginia program have been established by the Department of Historic Resources.

PROGRAM REQUIREMENTS

Some of the general and several of the specific elements which a local government in Virginia must have in place to be certified are:

1. A local historic preservation ordinance for the designation and protection of historic properties, containing, among others, provisions for:

    a statement of purpose;

    criteria and procedures for identifying and establishing historic districts;

    clearly delineated boundaries for districts; and

    review by a review board of all exterior alterations, relocations, or new construction visible from a public right-of-way and any proposed demolition within the district boundaries.

2. A local review board meeting, among others, these requirements:

    all members having a demonstrated interest, competence, or knowledge in historic preservation;

    at least one architect or architectural historian in the membership, (unless this requirement is specifically waived by DHR); and

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PROGRAM REQUIREMENTS, cont'd

at least one additional member with professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning (unless this requirement is specifically waived by DHR).

3. Maintenance of a system for survey and inventory of historic and cultural resources, which is coordinated with that of the Department of Historic Resources.

4. Provision for adequate public participation in the local historic preservation program.

5. Satisfactory performance of those responsibilities delegated.

BENEFITS

The CLG program establishes a working relationship between the local government and the State Historic Preservation Office and expands and encourages local involvement in preservation concerns. In addition, certified local governments:

assume a formal role in the identification, evaluation, and protection of the community's historic resources;

review National Register nominations for properties in their jurisdictions before those nominations are considered by the Department of Historic Resources;

receive technical assistance from the Department of Historic Resources and the National Park Service, and

are eligible to apply for matching grants from a 10% share of Virginia's annual federal appropriation which must be set aside specifically for certified local governments. Funds awarded may be used for survey of historic and archaeological resources, preparation of National Register nominations, developing design review guidelines, amending preservation ordinance, preparing preservation plans, testing archaeological sites to determine their significance, and public education programs in historic preservation.

HOW TO APPLY

Applications by local governments for designation as a Certified Local Government (CLG) must be made to the State Historic Preservation Officer and must include the following items:

A **request for certification** signed by the local chief elected official;

THE CERTIFIED LOCAL GOVERNMENT PROGRAM

HOW TO APPLY, cont'd

A **written assurance** from the chief elected official that the local government fulfills the requirements of the Virginia CLG program guidelines;

A copy of the **local preservation ordinance** and any pertinent parts of the larger zoning ordinance;

A **list and accompanying maps** of the areas, and/or individual sites protected by the local ordinance;

Copies of the **bylaws of the local review board** and any pertinent resolutions, design guidelines, or other documents used by the board in carrying out its responsibilities;

A **resume for each member of the review board** that clearly shows the member's professional qualifications and his or her required interest, competence, or knowledge in historic preservation;

Verification that the local government possesses adequate **provisions to prohibit conflicts of interest** on the part of any employee, agent, review board member, consultant, officer, or official of the local government.

Enclosed are explanatory materials to help a local government prepare its application for CLG status including a sample letter of request, information on the professional qualifications that must be reflected in review board resumes, and a list of items that document a member's interest, competence, or knowledge in historic preservation. The Virginia CLG guidelines are found at the back of this booklet.

For further information about the Certified Local Government program please visit DHR's website at www.dhr.virginia.gov. DHR's CLG program coordinator is Pamela Schenian in the Tidewater Regional Office at 757-886-2818 or by email at pam.schenian@dhr.virginia.gov.

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MATERIALS FOR USE IN MAKING AN APPLICATION FOR CERTIFIED LOCAL GOVERNMENT STATUS

Samples of the following items are found in this booklet and should be used when preparing an application for CLG status:

* Sample letter of request

* Exceptions to CLG program requirements and documentation required to justify exceptions

* Resume for members of local review boards

* Documentation of historic preservation interest, competence, or knowledge for review board members

Virginia's CLG guidelines

* Virginia's CLG checklist

* Standard CLG agreement

Those marked * must be submitted by the local government applying for CLG status.

SAMPLE REQUEST FOR DESIGNATION AS A CERTIFIED LOCAL GOVERNMENT

This letter should be used, with blanks appropriately completed, by a local government seeking certification.

LOCAL GOVERNMENT LETTERHEAD

Date

Ms. Julie Langan, State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

RE: REQUEST FOR CERTIFIED LOCAL GOVERNMENT STATUS
[Locality]
[Congressional District]

Dear Ms. Langan:

In accordance with the National Historic Preservation Amendments Act of 1980 and the guidelines for the Virginia Certified Local Government Program, I hereby request Certified Local Government status for [city, town, county].

The following materials are enclosed to support and document this request:

1. A copy of the local historic district ordinance and pertinent sections of the overall zoning ordinance;

2. A listing and map(s) of the areas and the individual sites protected by the ordinance;

3. Copies of the bylaws of the local review board and pertinent resolutions, design guidelines, or other documents used by the board in carrying out its responsibilities;

4. Resumes for the [number] members of the review board;
NOTE: Resumes must document professional qualifications and interest, competence, or knowledge in historic preservation. See section "Resumes for Members of Local Review Board" in this booklet.

SAMPLE REQUEST FOR DESIGNATION AS A CLG, cont'd

5. Verification that [local government] possesses adequate provisions to prohibit a conflict of interests on the part of any employee, agent, review board member, consultant, officer, or official of the local government.

[Local government] presently fulfills the requirements for a certified local government as described in Section II of the Virginia Certified Local Government Program Guidelines. **NOTE: If there are any exceptions to the local government's fulfillment of the requirements, they should be explained and documented.** See section "Exceptions to CLG Program Requirements" in this booklet.

I understand that, if certified, a written certification agreement outlining the specific responsibilities of [local government] will be required and that [local government] will be able to apply for Certified Local Government grants for qualified local historic preservation projects.

Sincerely,

[Chief Elected Official]
[Title]

Enclosures **NOTE: All enclosures should be clearly labeled.**

EXCEPTIONS TO CLG PROGRAM REQUIREMENTS AND DOCUMENTATION REQUIRED TO JUSTIFY THESE EXCEPTIONS

REVIEW BOARD DEFICIENCIES

Local governments may be certified without the minimum number of professionally qualified board members if they can demonstrate that they have made a reasonable effort to fill those positions. When adequate review of any proposed action would normally involve a professional discipline not represented on the board, the review board must seek appropriate professional advice before rendering its decision.

DOCUMENTATION REQUIRED

The local government should include a statement similar to the following ones in its letter requesting CLG status when less than the minimum number of professionally qualified board members are included in the board's membership:

> The local review board does not include professional member(s) from the discipline(s) of _____. However, a reasonable effort to appoint such member(s) was made as follows: **(The local government should then include a brief statement describing its efforts to appoint such professionals, including such things as advertising, seeking suggestions from local organizations, etc.)**
>
> In the absence of such professionals on the review board, the board will seek such professional expertise when required as follows:
> **(The local government should include a brief statement describing how the expertise will be obtained when needed, such as through the use of a consultant, local professional, etc.)**

RESUMES FOR MEMBERS OF LOCAL REVIEW BOARDS

A resume for a member of a local review board must document the member's professional qualifications as defined in the Professional Qualifications Standards in Appendix A of 36 CFR 61, "Procedures for Approved State and Local Historic Preservation Programs", and must document the member's interest, competence, or knowledge in historic preservation.

The Professional Qualifications Standards of Appendix A, 36 CFR 61 are defined below:

A. FOR HISTORY

1. A graduate degree in history or a closely related field;

OR

2. A bachelor's degree in history **PLUS ONE OF THE FOLLOWING:**

a. At least 2 years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution,

OR

b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

B. FOR ARCHAEOLOGY

1. A graduate degree in archaeology, anthropology, or a closely related field, **PLUS**

a. At least 1 year of full-time professional experience or equivalent specialized training in archaeological research, administration or management; **AND**

b. At least 4 months of supervised field and analytical experience in general North American archaeology; **AND**

c. Demonstrated ability to carry research to completion.

RESUMES FOR MEMBERS OF LOCAL REVIEW BOARDS

Professional Qualifications Standards
B. FOR ARCHAEOLOGY, cont'd

2. **IN ADDITION,** a professional in **prehistoric archaeology** shall have at least one year of full-time professional experience at supervisory level in the study of archaeology resources of the prehistoric period.

3. **IN ADDITION**, a professional in **historic archaeology** shall have at least 1 year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

C. FOR ARCHITECTURAL HISTORY

1. A graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history;

OR

2. A bachelor's degree in architectural history, art history, historic preservation, or closely related field **PLUS ONE OF THE FOLLOWING:**

a. At least 2 years of full-time experience in research, writing, or teaching in American architecture or restoration architecture with an academic institution, historical organization agency, museum, or other professional institution;

OR

b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

D. FOR ARCHITECTURE

1. A professional degree in architecture, **PLUS** at least 2 years of full-time professional experience in architecture;

OR

2. A state license to practice architecture.

RESUMES FOR MEMBERS OF LOCAL REVIEW BOARDS

Professional Qualifications Standards, cont'd

E. FOR HISTORIC ARCHITECTURE

A professional degree in architecture or a state license to practice architecture **PLUS ONE OF THE FOLLOWING:**

a. At least 1 year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field;

OR

b. At least 1 year of full-time professional experience on historic preservation projects including detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

DOCUMENTATION OF HISTORIC PRESERVATION INTEREST, COMPETENCE OR KNOWLEDGE

Interest, competence, or knowledge in historic preservation may be documented by indicating in the resume that the review board member:

has been active in specific preservation projects or concerns; and/or

is a member of a local historical or preservation organization, or a board attached to a historic property; and/or

is a member of the National Trust for Historic Preservation; and/or

has renovated and lived in historic buildings, has attended preservation conferences or workshops, or is a long-time member of the review board; and/or

has a degree in a preservation-related field.

VIRGINIA CERTIFIED LOCAL GOVERNMENT PROGRAM

I. INTRODUCTION

Enacted by Congress in 1966, the National Historic Preservation Act created a decentralized partnership between the federal government and the states for the operation of the national historic preservation program. This program of identification, evaluation, designation, and protection of historic resources has since been carried out largely by the states. No opportunity was provided in the 1966 act for the involvement of local governments in the national preservation program. Since its initial enactment in 1966 and through several amendments, the National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.) has provided the statutory framework for the national historic preservation partnership. Federal, State, Tribal, and local governments have well-defined and significant roles in the identification, evaluation, designation, and protection of historic and prehistoric properties. Under the National Historic Preservation Act the State Historic Preservation Officer (in Virginia the Director of the Department of Historic Resources) and the Secretary of the Interior are directed to certify local governments to participate formally in the national historic preservation program. The federal law also identifies specific requirements for certification. Chief among the Virginia requirements are administrative and legal capacities in the form of a historic preservation ordinance and a review board to administer the ordinance.

The Certified Local Government (CLG) program is designed to promote the preservation of historic buildings, structures, objects, and areas as well as prehistoric and historic archaeological sites through the establishment of a working relationship between the local government and the State Historic Preservation Office (SHPO). This relationship provides the means of encouraging and expanding local involvement in preservation concerns. For purposes of this program a Virginia local government is a political subdivision—an independent city, a county, or a town—with its own zoning authority.

Certified Local Governments will assume not only a role in the identification, evaluation, and protection of the community's historic resources, but also a formal role in the National Register nomination process. They are eligible to apply for grants from a minimum 10% share of the state's annual Historic Preservation Fund (HPF) allocation and will receive technical and advisory services from the State Historic Preservation Office.

The requirements for the Certified Local Government program in Virginia, the certification procedure, the process for Certified Local Government participation in the National Register program, and the procedure for the transfer of funds to Certified Local Governments are described further in this document.

II. REQUIREMENTS

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.) which established the concept of the Certified Local Government program contains five broad standards, shown as Items A-E in this section, all of which must be met before the local government can be certified. The federal standards are further defined and amplified below to indicate the specific standards a Virginia local government must meet in order to be certified.

A. Enforce appropriate state or local legislation for the designation and protection of historic properties.

The Virginia program requires the adoption of a local historic preservation ordinance pursuant to §15.2-2306 of the *Code of Virginia*. This section of the *Code* enables localities to adopt ordinances designating and protecting historic districts containing buildings or structures in the community. These local historic districts can be properties registered by the Virginia Board of Historic Resources as well as other buildings or structures in the locality having an important historic, architectural, archaeological or cultural interest.

The section also enables localities to provide for a review board to administer the ordinance. The ordinance may contain a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within a historic district unless approved by the review board as being architecturally compatible with the historic landmarks, buildings or structures within.

For purposes of the CLG program in Virginia, **designation** shall mean: The identification and designation by a local government for protection of properties meeting local government criteria for historic, architectural, archaeological, or cultural interest pursuant to §15.2-2306 of the *Code of Virginia*.

In Virginia, such designated properties are generally called "historic districts." These locally designated historic districts can include areas containing a collection of historic resources or they can be individual structures or properties, as well as archaeological sites.

For purposes of this program, **protection** shall mean: A local review process established pursuant to §15.2-2306 of the *Code of Virginia* under which actions—including alterations, new construction, relocation, and demolition—affecting properties in locally designated historic districts must first be reviewed and approved or denied by a locally established review board or preservation commission.

The Virginia CLG program requires the adoption of a local historic preservation ordinance pursuant to §15.2-2306 of the *Code of Virginia* that shall:

1. Include a statement of purpose;

2. Establish a review board to administer the ordinance;

3. Include criteria for the establishment of historic districts that designate and protect properties with historic, architectural or cultural significance and that may be made up of areas including collections of properties, **or** individual structures, **or** archaeological sites;

4. Set out a procedure for establishing such historic districts that allows the review board, among others, to initiate proposals for such districts. Such procedures shall not include any requirement of individual owner consent for inclusion in the zoning district;

5. Require clearly delineated boundaries for any such historic districts;

6. Clearly define the actions subject to review by the review board so as to achieve substantially the purpose of preserving buildings and resources of historic, architectural, archaeological, or cultural significance. For those locally designated properties that are a part of multi-property districts listed on the National Register of Historic Places or districts certified for purposes of the Economic Recovery Tax Act of 1981, as amended, those actions shall include at a minimum:

    a. review of and decision upon exterior alterations to or relocation of all structures (buildings, bridges, signs, fences, walls, monuments, etc.) or signs visible from a public right-of-way within the boundaries established by the ordinance,

    b. review of and decision upon any proposed demolition within the boundaries established by the ordinance, and

    c. review of and decision upon all proposed new construction visible from a public right-of-way within the boundaries established by the ordinance; and

d. other actions that may affect the locally designated properties.

7. Set forth the standards and guidelines by which the review board shall judge all proposed alterations, relocation, demolition, new construction and other actions brought before it. Alternatively the ordinance shall require the review board to develop and use design review standards and those standards must subsequently be approved by formal resolution of the local governing body. Such standards shall be substantially consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*;

8. Provide that decisions of the review board are binding upon applicants, unless and until such decisions are overturned on appeal; and

9. Specify methods of enforcing the ordinance, penalties for violations, and procedures for appeal of review board decisions by applicants or other aggrieved parties.

B. Establish and maintain an adequate and qualified historic preservation review commission by state or local legislation

Section 15.2-2306 of the *Code of Virginia* provides for the establishment of local review boards by the local governing body. Under the Virginia program these review boards shall meet the following criteria:

1. All members shall be appointed to the review board by the local governing body and shall have a demonstrated interest, competence, or knowledge in historic preservation. Review boards shall be composed of a minimum of five members, except that in localities of a population smaller than 20,000 the minimum shall be three members.

2. To the extent available in the community, at least one board member shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. At least two review board members shall have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology, or planning. Local governments may be certified without the minimum number of professional board members if they can demonstrate that they have made a reasonable effort to fill those positions. When individuals with the recommended professional qualifications are not available in the community, the Virginia CLG program permits the appointment of qualified individuals from outside the community, if permitted by the local government. When adequate review of any proposed action would normally involve a professional discipline not represented on the review board, the review board must seek appropriate professional advice before rendering its decision. Information on the credentials of all review board members shall be submitted to the State Historic Preservation Office and shall be kept on file locally for public inspection.

3. The review board shall adopt written bylaws that include at a minimum: provision for regularly scheduled meetings as often as required to complete its work in a timely fashion, but no less often than at least four times a year, a requirement that a quorum be present to conduct business, rules of procedure for considering applications, written minutes for all meetings, minimum attendance requirements for board members, and requirements for attendance at training sessions by board members.

4. Terms of office for review board members shall be for a minimum of three years and shall be

staggered.

5. Vacancies on the review board shall be filled within sixty working days.

6. In addition to those duties specified in the local ordinance, the review board shall at a minimum perform the following duties:

   a. conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by the State Historic Preservation Office (see Section II C);

   b. act in an advisory role to other officials and departments of local government regarding protection of local cultural resources;

   c. disseminate information within the locality on historic preservation issues and concerns; and

   d. review all proposed National Register nominations for properties within the boundaries of the locality. If the review of a nomination would normally involve a professional discipline not represented on the review board, the review board must seek appropriate professional advice before rendering its decision (see Section II B 2).

7. Nothing in this section shall be construed to mean that all local historic preservation activities must be carried out by a single review board. While the SHPO must approve the board which carries out local design review and which will formally comment on National Register nominations, a locality may demonstrate that its review board's work is made effective by coordinated professional advice and activity from other local agencies, boards, and staff.

8. Review board members are expected to attend informational or educational meetings, approved by the SHPO, pertaining to the work and functions of review boards or to historic preservation. While annual training for every board member is the goal, the SHPO will consider the CLG review board training requirement to be met by a CLG if at least a majority of members of its review board receive such training in any one year.

C. Maintain a system for the survey and inventory of historic properties

Requirements for the Virginia program are as follows:

1. The locality shall initiate or continue a process approved by the SHPO to identify historic districts, buildings, archaeological sites, objects, or structures within the boundaries of the local jurisdiction. This process must include a systematic survey of archaeological sites.

2. The local system of survey and inventory and the data produced by that system must be compatible with statewide survey and inventory systems and capable of integration with them and the state comprehensive planning process. The SHPO can provide initial training and continuing technical assistance for the conduct of such survey and inventory systems.

3. The locality shall maintain a detailed inventory of all of its surveyed properties including, but not limited to, the designated multi-property districts, sites, and structures under the specific jurisdiction of the review board. For multi-property designated districts the inventory shall include information on

each structure or site within the historic district.

4. All inventory material shall be:

   a. recorded on forms provided by or approved by the SHPO;

   b. accessible to the public, unless confidentiality is protected by law;

   c. updated periodically; and

   d. made available to the SHPO for inclusion in the statewide inventory and for integration into statewide comprehensive historic preservation planning efforts.

D. Provide for adequate public participation in the historic preservation program as a whole

The SHPO will provide guidance on mechanisms to ensure adequate public participation in the local historic preservation program including the process of evaluating properties for nomination to the National Register of Historic Places. The Virginia requirements for providing public participation are as follows:

1. All meetings of the review board must be publicly announced, be open to the public, and have an agenda made available to the public prior to the meetings.

2. Board meetings must occur at regular intervals and as often as necessary to complete the board's work in a timely manner, but not less often than four times a year.

3. Public notice must be provided prior to any special meetings.

4. The board shall allow for testimony from interested members of the public, not just applicants.

5. Written minutes of all decisions and actions of the board (or on appeal the local governing body), including the reasons and criteria upon which decisions were based must be kept on file and available for public inspection. In accordance with Section 304 of the National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), information concerning the locations of some properties in local historic property inventories may be withheld from public inspection when the release of such information could have the potential of damaging the qualities that make a property historic.

6. All decisions by a board shall be made in a public forum and applicants shall be given written notification of decisions of the board.

7. The rules of procedure adopted by the board shall be available for public inspection.

E. Satisfactorily perform the responsibilities delegated to it

The SHPO will monitor and evaluate the performance of CLGs according to written standards and procedures. For purposes of this program in Virginia, satisfactory performance shall be attained:

1. If the responsibilities delegated to the local government under the four broad standards listed in Sections II A-D of this document are carried out so that local activities are consistent and coordinated

with identification, evaluation, and protection activities of the SHPO;

2. If review board's design review decisions are consistently made in accordance with and clearly justified by the historic preservation standards enacted by that locality, so that the purpose of preserving buildings and resources of historic, architectural, archaeological, or cultural significance is met substantially;

3. If at least 80% of the CLG review board's reports to the SHPO on the eligibility of properties and districts within the jurisdiction that are nominated to the National Register of Historic Places are affirmed by the State Review Board;

4. If at least 75% of the nominations submitted by the CLG to the SHPO are technically complete and well documented in accordance with National Register criteria;

5. If a majority of review board members receives training annually;

6. If financial management systems are consistent with U.S. Department of the Interior regulations for fiscal responsibility and the Historic Preservation Fund Grants Manual, when funds have been awarded by the SHPO from the Historic Preservation Fund; and

7. For any local government so identified in its CLG agreement, if improvement can be demonstrated as specified in any or all of these categories:

    a. extension of historic zoning to additional properties in multi-property historic districts listed in or eligible for listing in the National Register of Historic Places;

    b. extension of historic zoning to include one or more additional individual properties listed in or eligible for listing in the National Register;

    c. inclusion in the review board of one or more additional members with professional training in the disciplines identified in Section II B 2 of this document;

    d. expansion of the review board's purview to include all alterations or new construction within a district rather than just those visible from a public right-of-way;

    e. extension of local zoning protection to archaeological resources;

    f. development of a preservation plan or accomplishment of preservation planning activities consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.*

Specific performance standards for Certified Local Governments are outlined in Attachment A.

III. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

A. Applications for Certification to the SHPO

The chief elected official of the local governing body shall request certification from the SHPO. The request shall include:

1. a written assurance that the local government fulfills the requirements that are outlined in Section II A – D;

2. a copy of the local preservation ordinance;

3. a list of and accompanying maps showing the areas and individual sites protected by the local ordinance;

4. resumes for members of the review board that are written in a format enabling assessment with the Secretary of the Interior's Professional Qualifications Standards referred to in 36 CFR 61, and -- if the board membership does **not** meet the minimum requirements- - information on the local government's efforts to appoint qualified professional members to the board; and

5. verification that the local government possesses adequate provisions which meet the requirements of the Historic Preservation Fund Grants Manual to prohibit a conflict of interests on the part of any employee, agent, review board member, consultant, officer, or official of the local government.

B. SHPO Review of Request

The SHPO shall respond to the chief elected local official within 30 working days of the written request and will advise him/her if the application meets the state requirements. The SHPO will keep records of its certification applications and its responses. The SHPO shall develop and use a checklist of requirements for CLGs to evaluate the applications for designation from local governments. A copy of the checklist is in Attachment B.

If the local government's application for certification does not meet the state requirements the SHPO shall so inform the local government and shall identify the corrective measures which must be taken before the application for certification can be approved.

C. Certification Agreement

When a local request for certification meets the state and federal requirements the SHPO shall prepare a written certification agreement with the local government. A copy of the agreement form is in Attachment C. Such written agreement shall list the specific responsibilities of the local government when certified, including:

1. the four minimum responsibilities required by 36 CFR 61.6 and identified in this document in Section II A-D;

2. any additional responsibilities delegated to all Certified Local Governments in the state, such as those identified in this document in Section II B 6b and 6c;

3. any requirement for demonstrated improvement as described in Section II E 7; and

4. signatures of the SHPO and the chief elected local official or their authorized designees.

D. Request for National Park Service Concurrence

After having determined that a CLG application meets all the state and federal requirements in State procedures, the SHPO will forward a request for concurrence to the National Park Service (NPS). The request for concurrence must

include the following:

1. the Certification Agreement signed by the SHPO and the chief elected local official or authorized designees, and

2. the signed review checklist as certification by the SHPO that the CLG application is complete and the locality meets the requirements for CLG status. The checklist must be signed and dated by the SHPO (or designee) or the State CLG Coordinator who completed the checklist while reviewing the application.

E. NPS Action

When NPS concurs with the SHPO recommendation for certification, NPS will notify the SHPO in writing, and send a copy of that letter to the CLG.

If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO prior to 15 working days after receipt of the request. The NPS shall provide written notice of what is necessary for the concurrence to be approved.

F. Effective Date of Certification

A certification agreement is not effective until it is signed by the chief elected local official and the SHPO, and concurred with in writing by NPS. The effective date of certification is the date of NPS concurrence.

G. Limits on Delegation of Authority in CLG Agreement

In the CLG agreement, SHPOs may delegate additional responsibilities to individual CLGs beyond those stated above. However, delegations shall not include:

1. The SHPO's statewide coordinating responsibilities;

2. Responsibilities that are specified by law or regulation to be conducted in whole at the State level;

3. Signature authority for State or Federal Preservation Tax Incentive Certifications; and

4. SHPO responsibilities under regulations of the Advisory Council on Historic Preservation that may be delegated only by agreement pursuant to 36 CFR 800.

H. Amendments to Local Government Certification Agreements

Substantive changes in Certification Agreements must be forwarded as a written amendment to NPS for concurrence. NPS written concurrence must be received before the amendment may be considered to be in effect. Changes in certification agreements must be consistent with State procedures and the Federal program.

IV. CERTIFIED LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REGISTER NOMINATION PROCESS IN VIRGINIA

Pursuant to Section 101 (c) (2) of the National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), CLGs shall be involved in the National Register process.

A. Notification of Nomination

Before a property within the jurisdiction of a CLG may be nominated to the National Register in Virginia, the SHPO will notify the chief elected local official and the review board in accordance with 36 CFR 61 and 36 CFR 60. The SHPO will notify the chief elected local official and the review board at least 60, but no more than 120 calendar days prior to State Review Board consideration.

Exception: The CLG notification procedures do not apply when a nomination is processed by or through a CLG (for example with SHPO grant funds) and when the CLG provides its recommendation and report to the SHPO with the nomination package.

B. The CLG Recommendation and Report

After providing a reasonable opportunity for public comment on the National Register nomination in its jurisdiction, the review board shall prepare a report as to whether or not, in its opinion, the property meets the National Register criteria.

Within 60 calendar days of notice from the SHPO, the chief elected local official shall transmit the report of the commission, **along with** his/her recommendation to the SHPO.

When a relevant historic preservation discipline is not represented in the review board membership, the review board shall seek expertise in this area when considering National Register nominations requiring the application of such expertise, in conformance with Section II, B 6 d.

C. State Action Following CLG Recommendation

If **either or both** the review board and the chief elected local official recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the procedures in 36 CFR 60, and 36 CFR 61.

If **both** the review board and the chief elected local official recommend that the property **not** be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101 (c) (2) of the Act and 36 CFR 60.

If the SHPO does **NOT** receive the report and recommendation within 60 calendar days, he/she shall continue the nomination process.

Any report and recommendation made by the CLG shall be included with any nomination submitted by the State to the Keeper of the National Register.

The State may expedite the CLG's participation in the nomination process, including shortening the 60-day comment period, with the concurrence of the CLG as long as owner notification procedures have been met. The State must maintain records related to expediting the CLG participation with respect to a particular nomination or related to expediting concurrence on all nominations programmatically.

Formal responsibility for notification of property owners and for direct nomination of properties to the National Register shall remain with the State Review Board and the SHPO. The local government may be asked to assist the SHPO in verifying the names and addresses of the owners of properties within the historic districts proposed for nomination to the National Register of Historic Places and to assist with making arrangements for local public meetings concerning those proposed historic district nominations.

V. SHPO TRAINING AND ONGOING TECHNICAL ASSISTANCE

The SHPO shall provide orientation materials to CLGs including local officials and review board members and shall provide ongoing training to CLGs in accordance with local needs as expressed by the CLG. The orientation shall be designed to provide public information, education and training, and technical assistance in subjects related to the federal, state or local historic preservation program. Other training may be related to aspects of the review board's responsibilities such as its review responsibilities, its role in the National Register program, survey, and public education.

The Virginia SHPO encourages CLGs to adopt local standards and guidelines for their activities that are consistent with the *Secretary of the Interior's Standards for Archaeology and Historic Preservation*.

VI. TRANSFER OF HISTORIC PRESERVATION FUNDS TO CERTIFIED LOCAL GOVERNMENTS

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), requires each state to set aside at least 10% of its annual allocation from the Historic Preservation Fund for grants to Certified Local Governments. In any year in which the annual Historic Preservation Fund state grant appropriation exceeds $65,000,000, one-half of that excess shall also be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

All CLGs shall be eligible to receive funds from the minimum 10% Certified Local Government share of Virginia's total annual Historic Preservation Fund grant award. The SHPO is not required to award funds to all governments eligible to receive funds. In Virginia, awards will be made using a competitive process.

All CLG activities assisted with HPF money or used as matching share must meet the *applicable Secretary's Standards for Archaeology and Historic Preservation*.

Historic Preservation Fund monies used by the SHPO to administer the CLG subgrants will not be credited toward the SHPO's CLG 10% minimum pass-through requirement.

A. Distributing CLG Subgrants

The SHPO will develop and maintain a procedure for allocating CLG funds. The procedures for allocation of CLG funds will include the following:

1. A clear rationale on which funding decisions will be based,

2. Written guidelines for the review of applications and criteria for selection of applications, and

3. Provision that the funds awarded to a CLG will be sufficient to produce specific products directly as a result of the funds transferred.

If sufficient matching funds are available to the SHPO from other sources, a provision for matching funds need not be an allocation or selection factor for CLG subgrants, so long as the SHPO meets the overall matching requirements for the State's program.

B. Annual CLG Mailing

The SHPO will make an annual mailing to CLGs (normally in January or February) notifying them of the expected availability of annual grant funds so that each eligible CLG has the opportunity to apply for funding. The notification will include the following information:

1. The total amount of funding available, or expected to be available to CLGs,
2. State priorities for funding,
3. Criteria for selection of applications,
4. The deadline for submitting requests, and
5. Sufficient written description of the information to be provided in the application and whom to contact for additional information or answers to questions about the application requirements.

C. Allocation Formula and Procedures

The National Historic Preservation Act as amended (16 U.S.C. 470 et. seq.), and the pertinent Certified Local Government program regulations leave to each state the determination as to how the money will be distributed. The Virginia SHPO shall award funds to CLGs on a competitive basis. The amount of funds awarded to any applicant will be sufficient to produce a specific impact and to generate effects directly as a result of the funds transfer. The requirement for tangible results may not be waived.

D. Eligible Activities

Eligible activities under the CLG grant offering include, but are not limited to, the following types of projects:

1. training of review board members in areas related to their work and functions or historic preservation;
2. surveys of cultural resources (archaeological, architectural, or comprehensive), thematic surveys, inventories of all buildings in historic districts if such inventories do not exist, or updating of existing surveys;
3. historic resource protection plans;
4. National Register nominations for properties within the CLG's jurisdiction;
5. public education programs and publications such as those related to the work of the review board, the importance of a historic district, or the workings of the historic district ordinance; and
6. rehabilitation or restoration work on publicly owned properties that are listed in the National Register

of Historic Places.

E. Requirements for CLG Subgrants

To remain eligible for each year's CLG funding, the CLG must continue to comply with the conditions of its Certification Agreement and State performance standards.

The SHPO must ensure that each local government receiving funds under the CLG program:

1. Adheres to all required administrative procedures and policies for Historic Preservation Fund subgrants established by the SHPO. All costs claimed or applied as matching share must be reasonable, and necessary for proper and efficient conduct of subgrant-supported activities in keeping with OMB Circular A-87. Records must evidence compliance with the competitive procurement requirement of 43 CFR 12.76, including small purchase procedures, or competitive negotiation for professional services.

2. Adheres to requirements mandated by Congress regarding the use of Historic Preservation Fund funds.

3. Adheres to requirement specified by the SHPO in the subgrant agreement.

4. Meets the eligibility requirements.

5. Provides the specified matching share, **if required**.

F. Priorities and Criteria for Funding

Specific priorities for funding will be announced annually (normally in January or February) by a mass mailing to all Certified Local Governments in the state and other interested parties. In the ensuing grants competition all proposals will be evaluated and selected based on the following criteria:

1. clearly stated, specific goals that are realistically attainable within the funding period;

2. demonstrated understanding of state and local preservation priorities including efforts to advance the identification, evaluation, designation and protection of significant historic and prehistoric properties, and efforts to ensure maintenance of these properties;

3. assurance of acceptable 50% matching share, or other matching share, if necessary, as specified by SHPO;

4. urgency, significance, and need for the proposed project; and

5. the demonstrated capacity of the applicant to administer the grant.

G. Distribution of Funds

The SHPO shall make reasonable efforts to distribute funds among the maximum number of eligible local jurisdictions to the extent that such distribution is consistent with 36 CFR 61.7. No one Certified Local Government will receive a disproportionate share of the total allocation.

H. Subgrantees of the Commonwealth

All Certified Local Governments receiving Historic Preservation Fund grants from the CLG share shall be considered subgrantees of the Commonwealth of Virginia. Any state directed specified uses of funds must be for activities eligible for Historic Preservation Fund assistance and must be consistent with the state comprehensive historic preservation planning process.

I. CLG Funds and Other Federal Grants

Funds transferred to CLGs may not be applied as matching share for any other federal grant. Generally federal funds cannot be matched with other federal funds. However, funds from the Community Development Block Grant Program **may** be applied as matching share for Historic Preservation Fund grants. However, the Davis-Bacon Act will apply if CDBG funds are used as matching share for HPF grants.

J. Grant Agreement Required

Before grant work begins, a written grant agreement shall be executed between the SHPO and the CLG concerning the expenditure of the grant funds, the scope of work, due dates, etc. All CLG program requirements shall be included and referenced in the written grant agreement between the SHPO and the local government.

K. Rationale for Funding

Upon request, the SHPO shall make available to the public the rationale upon which applicants were selected and the amounts awarded. The SHPO is responsible, through financial audit, for the proper accounting of Historic Preservation Fund CLG share monies in accordance with OMB Circular A-133, "Audit Requirements." Periodic SHPO evaluations of CLG performance shall be conducted no less often than every four years, and will include an assessment of the fiscal management of any Historic Preservation Fund monies subgranted.

L. Pooling CLG Subgrants

Subgrants can be pooled by CLGs for specific purposes. For example, several CLGs could pool a subgrant to share the services of a preservation professional who could travel among the CLGs as a “circuit rider.” Such an arrangement is permissible when the following conditions are met:

1. All local governments involved in pooling are certified;

2. One CLG is designated as the administrator of the subgrant and identifies itself as such in its request for CLG funding; and

3. The CLG designated as the administrator of the subgrant has consented and demonstrates such agreement by submittal of a letter to the SHPO in conjunction with its request to the State for CLG funds. State records and, if required, Project Notifications submitted by the State to NPS, must include the following information:

    a. Names of all CLGs involved;

b. The amount of HPF funds requested to be used in the pool;

c. The donor, source, kind and amount of each CLG's matching share commitment; and

d. The proposed product(s) of the subgrant.

M. Delegating Third-Party Administration

CLG subgrants may be administered by a designated third party if the CLG indicates in its funding application to the State that it wants any subgrant awarded to it to be administered by a specific organization. Designation of a third party to administer a subgrant is not a procurement action. Such a delegate agency may be another unit of local government, a commercial firm, a nonprofit entity, or an educational institution as long as it has the administrative capability required. The delegate agency **cannot** be the SHPO or any part of the department of state government it is part of. This provision is intended to facilitate such projects as workshops for multiple CLGs, or hiring a consultant to perform services for several CLGs. This provision will eliminate the need to award subgrants to every CLG attending a workshop. It will also negate the administrative burden of the sponsoring CLG processing payments for expenses incurred by attendees from other CLGs.

The subgrant agreement will be executed between the SHPO and the CLG's delegated administrative agent provided that the CLG's grant application designates a third party to administer the subgrant. The third party will be paid the subgrant funds upon satisfactory completion of the scope of work and compliance with all conditions of the subgrant agreement.

Any CLG receiving grant assistance under this provision must have followed the procedures specified in the State's NPS-approved process for transferring funds to CLGs.

VI. EVALUATION, MONITORING OF PERFORMANCE AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS

A. Periodic Evaluations of CLGs by SHPO

The SHPO shall conduct periodic reviews of Certified Local Governments no less often than once every four years to evaluate performance and to assure that each local government is fulfilling the provisions of the written agreement and is substantially meeting the purpose of preserving buildings and resources of historic, architectural, archaeological, or cultural significance; and to ensure that CLGs' performance of these responsibilities is consistent and coordinated with the identification, evaluation, designation and preservation priorities of the comprehensive state historic preservation planning process.

The SHPO will establish written procedures and standards to evaluate CLG performance in program operation and administration. Performance Standards are shown in Attachment A. The evaluation checklist and procedures are shown in Attachment D.

The SHPO will maintain written records for all CLG evaluations. States must promptly notify the CLG in writing of the results of the evaluation.

1. If the SHPO evaluation indicates that a CLG's performance is inadequate, the SHPO shall suggest ways to improve performance and shall stipulate a time period in which those improvements are to be made.

2. If, after the stipulated period of time, the SHPO determines that there has not been sufficient improvement in the CLG's performance, the SHPO may recommend decertification of the CLG to NPS for concurrence. The SHPO must notify the CLG in writing that the decertification process has begun.

B. Decertification of Certified Local Governments

The SHPO may recommend decertification to the National Park Service after all of the following conditions have been met.

1. The SHPO determines that a CLG's performance does not meet the performance standards specified in the Certification Agreement or referenced therein, and

2. The SHPO specifies to the CLG in writing ways to improve performance within a period of time by which deficiencies must be corrected or improvement must be achieved; and

3. After the period of time stipulated by the SHPO, the SHPO determines that there has not been sufficient improvement.

Failure to perform acceptably under a HPF subgrant is not in itself sufficient grounds for decertification.

The SHPO must notify the CLG in writing prior to, or at the time of, its recommendation to NPS for decertification. The notification must state the specific reasons for the proposed decertification, describe the State's technical assistance efforts, and affirm that the SHPO will notify the CLG of the NPS concurrence with the decertification. The local government is decertified if the National Park Service concurs in writing with the SHPO's recommendation to decertify the CLG.

The SHPO may also recommend decertification if a CLG requests to be decertified in writing. The SHPO must forward a copy of the CLG's letter as an enclosure to the SHPO's request to decertify the CLG. Compliance with the conditions stipulated above is not required, when the CLG requests its own decertification. If the local government wishes to become recertified, it must reapply for certification.

C. SHPO Monitoring through CLG's Annual Report

On an annual basis the CLG shall submit to the SHPO a report on the activities of the review board. Such reports shall include, but not be limited to, such items as the number of cases reviewed, newly designated or expanded historic zoning districts, revised resumes of review board members, resumes for new appointments to the review board, attendance records, and all minutes related to National Register nominations and to design review decisions, approvals and denials. The report shall also document board members' attendance at educational meetings.

The SHPO will provide a reminder and guidance for preparing the annual report.

The annual report shall cover the period from October 1 through September 30, and shall be due to the SHPO on or about October 30, or as requested by the SHPO.

ATTACHMENT A

SPECIFIC PERFORMANCE STANDARDS FOR CERTIFIED LOCAL GOVERNMENTS

Certified Local Governments in Virginia shall maintain the following specific standards of performance. The SHPO shall use these standards in its review of Certified Local Governments.

Local Legislation - Historic District Ordinance

During the entire time period under review:

1. Did the CLG keep its local legislation in place?

2. Did the CLG forward to the SHPO copies of any new ordinances, amendments, regulations, bylaws, or guidelines enacted?

3. Were any new ordinances, amendments, etc., consistent with the requirements and intent of the CLG program?

Local Review Board

During the entire time period under review:

1. Did the CLG maintain an adequate and qualified review board as specified in the Guidelines, Section II B 2?

2. Did the review board obtain qualified professional expertise in the review of National Register nominations or any other action requiring a professional discipline not represented on the review board?

3. Did a majority of the CLG's review board members attend at least one informational or educational meeting pertaining to the work and functions of the review board?

4. Did all members meet the minimum attendance requirement established by the review board?

5. Were all review board vacancies filled within the 60-day time period specified in the Guidelines, Section II B 2?

6. Were resumes for any **newly appointed review board members** forwarded to the SHPO?

7. Do all new appointees evidence demonstrated interest, competence, or knowledge in historic preservation?

8. Did the CLG make a successful attempt to appoint professionally trained members to fill review board vacancies?

9. Do resumes for any new professionals on the review board evidence compliance with the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61?

10. Can the CLG demonstrate that the review board has performed those duties required of it in the

Guidelines, Section II B 6?

11. Were the decisions of the review board consistently made in accordance and clearly justified by the design review standards enacted by the review board?

Survey and Inventory of Historic Properties

1. Has the locality **initiated or continued** a process approved by the SHPO to identify historic districts, buildings, archaeological sites, objects, or structures, within the boundaries of the local jurisdiction?

2. Does the above process include a systematic survey of archaeological sites?

3. Are the CLG's survey and inventory systems and the data produced by them coordinated with, compatible with, and capable of integration with the state's survey and inventory systems and its statewide comprehensive planning process?

4. Does the locality maintain a detailed inventory of all of its surveyed properties including, but not limited to, the multi-property districts, sites, and structures under the review board's jurisdiction?

5. Does the inventory of properties within designated multi-property districts include information on each structure or site within each district?

6. Is the inventory material: recorded on forms provided or approved by the SHPO? accessible to the public? updated periodically? made available to the SHPO for inclusion in the statewide inventory? accurate, complete, and accompanied by clear, black and white photographs?

Public Participation

During the entire time period under review:

1. Were all meetings of the review board publicly announced?

2. Were all meetings of the review board open to the public?

3. Was an agenda for review board meetings available prior to the meetings?

4. Did the review board meet as often as necessary to complete its work in a timely fashion, but no less often than at least four times per year?

5. Did the meetings allow for testimony from interested members of the public, not just applicants?

6. Were written minutes of review board meetings kept on file and available to the public?

7. Did the minutes contain the reasons and criteria upon which the review board's decisions were made?

8. Were the review board's decisions made in a public forum?

9. Were applicants given written notification of the review board's decisions?

10. Were the rules of procedure adopted by the review board available to the public?

11. Was public notice provided prior to any special meetings of the review board?

National Register Process

1. Has the CLG established and implemented a process for accepting or handling National Register nominations received first by or initiated by the review board?

During the time period under review:

2. Did the review board promptly notify the SHPO when nominations were submitted to or initiated by that body and did it forward copies of all such materials received to the SHPO?

3. Has the CLG maintained an accurate record of all the National Register nominations that is has initiated or received from the public or the SHPO?

4. During the time period under review were 75% of all nominations submitted by the CLG to the SHPO technically complete and well documented?

5. During the time period under review were all reports on nominations reviewed by the CLG sent to the SHPO within the 60-day time period specified in these Guidelines, Section III and did they objectively evaluate properties in relation to National Register criteria?

6. During the time period under review, were the review board's reports on the eligibility of properties and districts affirmed by the State Review Board at least 80% of the time?

Demonstrated Improvement

1. Was the local government required in the CLG agreement to demonstrate improvement in one or more of the areas listed in these Guidelines, Section II E 7 or as specified in the CLG agreement?

2. If so, can the local government demonstrate that it has fulfilled the requirement(s) in the manner described in Section II E 7 items a - f of these guidelines or as specified in the CLG agreement?

Financial Management

If the CLG received a grant from the SHPO during the time period under review:

1. If required, did the CLG provide non-federal matching funds on a dollar-for-dollar basis (or as required under the terms of the grant agreement)?

2. Did the CLG maintain adequate financial management systems as specified in the Guidelines, Section IV 2?

3. Did the CLG adhere to all requirements, administrative procedures, and policies of NPS-49, (Historic Preservation Fund Grants Manual)?

4. Did the CLG adhere to any congressionally mandated requirements regarding the use of CLG funds?

5. Was the funded project an eligible one as described in the Guidelines, Section VI?

6. Was the project completed on time?

7. Was the grant administered by the CLG so that all SHPO imposed deadlines were met and all requested documentation was supplied?

CERTIFIED LOCAL GOVERNMENT APPLICATION CHECKLIST **ATTACHMENT B**

Revised February 2002

Checklist of Criteria for the Virginia
CERTIFIED LOCAL GOVERNMENT PROGRAM

Locality applying: _____ Date rec'd _____

Additional info requested: _____

Received: _____

Date application sent to NPS :_____

Reviewed by: _____

Date: _____

Does the local historic preservation ordinance:

Yes No

_____ _____ 1. Include a statement of purpose?

_____ _____ 2. Establish a review board to administer the ordinance?

_____ _____ 3. Include criteria for the establishment of historic zoning to designate and protect **areas** with multiple properties, **individual structures**, and archaeological **sites**?

_____ _____ 4. Set out a procedure for establishing historic districts that

_____ _____ a. Allows the review board to make proposals for additional historic districts?

_____ _____ b. Does not require individual owner consent for inclusion in a multi-property historic district?

_____ _____ 5. Require clearly delineated boundaries for historic districts?

_____ _____ 6. Within the boundaries of multi-property historic districts, empower the review board to consider:

_____ _____ a. Alterations to and relocations of **all structures or sites** visible from a public right of way?

b. **Any** proposed demolition?

c. **All** proposed new construction visible from a public right of way?

_____ _____ 7. Establish the standards and guidelines by which the review board judges all proposed alterations, relocations, demolitions, and new construction within historic districts? **OR**

Yes No

_____ _____ Has the review board adopted written design standards substantially consistent with the "Secretary of the Interior's Standards"?

_____ _____ 8. Have such standards been approved by formal action of the local governing body?

_____ _____ 9. Provide that the decisions of the review board are binding?

_____ _____ 10. Specify methods of enforcing the ordinance, penalties for violations, and procedures for appeal?

Local Review Board

Yes No

_____ _____ 1. Do all members have a demonstrated interest, competence, or knowledge in historic preservation?

_____ _____ 2. Do at least two members have professional training or equivalent experience in architecture, history, American studies, architectural history, archaeology, or planning?

_____ _____ 3. Is at least one member a registered architect with a demonstrated interest in historic preservation or an architectural historian?

_____ _____ 4. Number of members with professional training or equivalent experience:
Total number of members on review board:_____

_____ _____ 5. Are all members appointed by the local governing body?

_____ _____ 6. Can the local government demonstrate that it has attempted to appoint professionally qualified members to the extent available? AND
_____ _____ Has the local government been successful in this effort?

_____ _____ 7. Are review board vacancies required to be filled within 60 calendar days, or are there other provisions to insure that board vacancies do not remain unfilled for unreasonable periods of time?

Review Board Bylaws

Yes No

Does the local review board have written bylaws--or other administrative documents--that require:

_____ _____ 1. Regularly scheduled meetings as often as necessary to complete its work in a timely fashion, but no less often than four times a year?

_____ _____ 2. A quorum to conduct business?

_____ _____ 3. A Code of Conduct prohibiting member conflict of interests?
Yes No

_____ _____ 4. Rules of procedure--or other administrative documents--for considering applications for certificates of appropriateness?

_____ _____ 5. Written minutes for all meetings?

_____ _____ 6. Minimum attendance to retain membership?

_____ _____ 7. Member attendance at training sessions?

_____ _____ 8. Three year minimum term of office?

_____ _____ 9. Staggered appointments?

Local Survey Efforts

Yes No

_____ _____ 1. Has a survey of the locality's historic properties been completed?

_____ _____ 2. Is survey work on-going?

_____ _____ 3. Are archaeological resources included in the locality's survey efforts?

_____ _____ 4. If not, are there plans to include archaeological resources in on going survey efforts?

_____ _____ 5. Are survey and inventory systems and the data produced by them coordinated and compatible with, and capable of integration with the state's survey and inventory system and its statewide comprehensive planning process?

_____ _____ 6. Does the locality maintain a detailed inventory of all of its surveyed properties including, but not limited to, the multi-property districts, sites, and structures under the review board's jurisdiction?

_____ _____ 7.. Does the inventory of properties within designated multi-property districts include information on each structure or site within each district and is the inventory material:

- recorded on forms provided or approved by the SHPO?
- accessible to the public?
- updated periodically?
- made available to the SHPO for inclusion in the statewide inventory?
- accurate, complete, and accompanied by clear, black and white photographs?

Public Participation

Yes No

_____ _____ 1. Are all regular meetings of the review board open to the public?

Yes No

_____ _____ 2. Are all special meetings open to the public?

_____ _____ 3. Are regular meetings publicly announced?
How? _____

Where? _____

_____ _____ 4. Is public notice provided prior to a special meeting?
How? _____

Where? _____

_____ _____ 5. Is an agenda made available prior to meetings?

_____ _____ 6. Are minutes taken at all meetings and kept on file for public inspection?

_____ _____ 7. Is testimony from any interested member of the public (not just applicants) allowed at meetings?

_____ _____ 8. Are all review board decisions made in a public forum?

_____ _____ 9. Are the review board's rules of procedures or other administrative documents available for public inspection?

_____ _____ 10. Are applicants provided with written notice of the review board's decisions?

Local Government Contact, Address and Telephone Number:

_____

_____

_____

An executed CLG Agreement is attached. _____

Application reviewed by: _____

Checklist Completed by:_____

Title: _____
Virginia Department of Historic Resources

Address:_____

CERTIFIED LOCAL GOVERNMENT AGREEMENT **ATTACHMENT C**

CERTIFIED LOCAL GOVERNMENT AGREEMENT BETWEEN THE COUNTY/CITY OF _____ _____ AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE

The County/City of _____, in consideration of having been granted Certified Local Government status, agrees to carry out the following responsibilities as a Certified Local Government (CLG), in cooperation with the Virginia Department of Historic Resources, the State Historic Preservation Office (SHPO):

1. Enforce the local historic preservation ordinance for the designation and protection of local historic properties, as provided for in §15.2-2306 and in accordance with Section II A of the Virginia CLG Program guidelines;

2. Maintain an adequate and qualified local review board as established by the local ordinance, as provided for in §15.2-2306; and in accordance with Section II B of the Virginia CLG Program guidelines;

3. Initiate or continue a system for the survey and inventory of local historic properties (including archaeological sites) focusing on _____(name of area of survey) for_____(period of time for survey) that is coordinated and compatible with the statewide comprehensive planning process, and maintain a detailed inventory of districts, sites, and structures under the review board's jurisdiction, with technical assistance provided by the Department of Historic Resources in accordance with Section II C of the Virginia CLG Program guidelines;

4. Provide for adequate public participation in the local historic preservation program in accordance with Section II D of the Virginia CLG Program guidelines;

5. Review and comment upon nominations to the National Register of Historic Places for properties within its jurisdiction, and within 60 calendar days of receiving a complete nomination submit to the Department of Historic Resources the local review board's report and the chief elected official's recommendation as to whether or not the nominated property meets the criteria of the National Register in accordance with Section IV of the Virginia CLG Program guidelines;

6. Assist the Department of Historic Resources, if necessary, in providing mailing labels with the names and addresses of property owners within local historic districts being nominated to the National Register, and assist with making arrangements for local public hearings at mutually agreeable times and locations when such districts are nominated;

7. Coordinate local historic preservation, to the extent practicable, with the Department of Historic Resources (DHR), which shall provide the technical assistance, guidance, and information to the Certified Local Government as requested;

8. Submit an annual report of the local review board's activities for the past year to the Department of Historic Resources by October 30 of each year (or as requested by DHR) in accordance with the Virginia CLG Program guidelines and as further directed by the SHPO;

9. Carry out the general program procedures as outlined in the Virginia Certified Local Government program guidelines, as revised;

10. Demonstrate during the time period from _____ to _____ improvement in the following specified area(s):

___ a. extension of historic zoning to include additional properties in multi-property historic districts listed in or eligible for listing in the National Register of Historic Places;

___ b. extension of historic zoning to include one or more additional individual properties listed in or eligible for listing in the National Register of Historic Places;

___ c. inclusion in the review board of one or more additional members meeting the professional qualifications standards referred to in 36 CFR 61;

___ d. expansion of the review board's purview to **all** exterior alterations or new construction within a district as opposed to that visible from a public right-of-way;

___ e. extension of local zoning protection to archaeological resources;

___ f. development of a preservation plan or accomplishment of preservation planning activities consistent with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation".

Signatures

For the *Certified Local Government*:

_____ , Chief Elected Local Official

Printed Name: _____

Title: _____

Date: _____

For the *Department of Historic Resources*

_____ , State Historic Preservation Officer

Printed name:_____

Date _____

CLG EVALUATION PROCEDURES & EVALUATION CHECKLIST ATTACHMENT D

PROCEDURES FOR
EVALUATING THE PERFORMANCE OF
CERTIFIED LOCAL GOVERNMENTS

In accordance with National Park Service (NPS) regulations and Virginia Certified Local Government (CLG) Program Guidelines the performance of each CLG shall be formally evaluated no less often than once every four years. When practical and possible, this evaluation shall include a site visit to the CLG by the CLG Coordinator at the Department of Historic Resources (DHR) and/or other State Historic Preservation Office (SHPO) regional office staff as appropriate.

When scheduled, the site visit shall involve a meeting between the staff CLG Coordinator and the individual at the CLG level responsible for preparing the CLG annual report. When possible, the site visit shall be scheduled so that the meeting between the CLG Coordinator and the CLG representative takes place on the same day on which the review board is holding one of its regular meetings. Following the meeting with the CLG representative, the CLG Coordinator shall attend the review board meeting to observe the board at work and to discuss with them the CLG program, their performance, the performance of the local government's preservation responsibilities, the needs of the local government for assistance from the SHPO, and any other matters as determined necessary.

Written notice of an evaluation visit shall be provided to the CLG contact at least 30 calendar days prior to the scheduled visit. The period under review should be identified. Generally, but not always, the period under review will be the time since the last formal evaluation.

Prior to the site visit, the SHPO CLG Coordinator shall review annual reports submitted by the CLG, the record of National Register nominations from the CLG jurisdiction to evaluate the CLG's performance of its National Register responsibilities.

The last annual report submitted by the CLG shall also be reviewed by the CLG Coordinator prior to the site visit for information about past activities within the CLG's jurisdiction.

The SHPO staff shall use the following CLG Evaluation Checklist to conduct the evaluation.

EVALUATION VISIT FOLLOW-UP

Following the on-site evaluation visit, the CLG Coordinator or other staff member as appropriate shall prepare and mail to the local government representative a written assessment of the CLG's performance of its responsibilities under the program and shall, when necessary, offer suggestions for improving performance. All recommendations for improvement shall be discussed with the DHR staff member's supervisor prior to being made to the local government. Likewise any recommendation for decertification proposed as a result of the evaluation visit shall be discussed with the DHR supervisor prior to being made to the local government. Any recommendations for improvement shall include specific suggestions for making the improvement and for bringing performance into line with the CLG program standards.

CONTINUING PERFORMANCE EVALUATION

Apart from the formal evaluation visits, the performance of Virginia's CLGs shall be monitored on an annual basis using the CLGs' annual reports.

CLG: _____

Date: _____

Reviewer: _____

CLG EVALUATION VISIT CHECK LIST

Certified Local Governments in Virginia shall be formally evaluated at least once every four years using the following standards of performance. A "yes" response is generally desirable for each of the following questions. "No" responses should be explained. Verification should be sought for those questions where noted. Space for comments is provided after each category of questions. The time period under review is generally (but may not always be) the time since the last formal evaluation. The time period should be always be identified to the CLG prior to the evaluation visit.

Local Legislation

Yes No

During the entire time period under review:

__ __ Did the CLG keep its local legislation in place?

__ __ Did the CLG forward to the SHPO copies of any new ordinances, amendments, regulations, bylaws, or guidelines enacted?

__ __ Were any new ordinances, amendments, etc., consistent with the requirements and intent of the CLG program?

Comments:

Local Review Board

Yes No

During the entire time period under review:

__ __ Did the CLG maintain an adequate and qualified review board?

__ __ Did the review board obtain qualified professional expertise in the review of National Register nominations or any other action requiring a professional discipline not represented on the review board? Verify by reviewing minutes and materials submitted with nominations to the State Historic Preservation Office (SHPO).

__ __ Did each review board member attend at least one informational or educational meeting pertaining to the work and functions of the review board? Verify with review of review board files.

Did all members meet the minimum attendance requirement established by the review board? Verify by checking attendance records for each member.

__ __ Were all review board vacancies filled within a 60-calendar-day time period? Verify with review of review board files.

___ ___Were resumes for any newly appointed review board members forwarded to the SHPO? Verify by checking SHPO files

Local Review Board, cont'd

Yes No

__ __ Do any **new appointees** evidence demonstrated interest, competence, or knowledge in historic preservation? Verify by checking resumes of the new members.

__ ____Did the CLG make a successful attempt to appoint qualified professionals to fill review board vacancies? Verify by checking review board files for advertisements.

__ __ Do resumes for any professionals on the review board evidence compliance with the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61? Verify by reviewing resumes for all professionally qualified members.

__ __ Can the CLG demonstrate that the review board has performed the following duties: (Verify by review of minutes, etc.)

__ __ Conducting or causing to be conducted a survey of cultural resources in the community and maintaining an inventory of the surveyed properties?

__ __ Acting in an advisory role to other officials and departments of local government regarding protection of local cultural resources?

__ __ Disseminating information within the locality on historic preservation issues and concerns?

__ __ Reviewing all proposed National Register nominations for properties within the boundaries of the locality?

__ __ Seeking the assistance of a professional discipline if necessary when reviewing National Register nominations?

__ __ Consistently making decisions in accordance with and clearly justified by the design review standards enacted by the review board? Verify by checking review board minutes.

Comments:

Survey and Inventory of Historic Properties

All questions under this section should be verified after discussion with the CLG liaison and by examining the survey and inventory information maintained by the CLG.

During the time period under review

Yes No

__ __ Has the locality initiated or continued a process approved by the SHPO to identify historic districts, buildings, archaeological sites, objects, or structures and maintain an inventory of such properties?

__ __ Does the above process include a systematic survey of archaeological sites?

Survey and Inventory of Historic Properties, cont'd

Yes No

___ ___ Are local survey and inventory systems coordinated with, compatible with, and complementary to the SHPO's survey and inventory systems and the statewide comprehensive planning process?

__ __ Does the CLG maintain an inventory of the historic properties in its jurisdiction?

___ ___ Does the CLG maintain a detailed inventory of the multi-property districts, sites, and structures under the review board's purview?

__ __ Does this inventory include information on each structure or site within each multi-property district?

Is the inventory material:

__ __ Recorded on forms provided or approved by the SHPO?

__ __ Accessible to the public?

__ __ Updated periodically?

__ __ Made available to the SHPO for inclusion in the statewide inventory?

__ __ Accurate, complete, and accompanied by clear, black and white photographs?

Comments:

Public Participation

All questions under this section should be verified after discussion with liaison and by examining review board minutes, rules of procedure, bylaws, etc.

During the entire time period under review:

Yes No

__ __ Were all meetings of the review board publicly announced?

Were all meetings of the review board open to the public?

__ __ Was an agenda for review board meetings available prior to the meetings?

__ __ Did the review board meet as often as necessary to complete its work in a timely fashion, but no less often than at least four times per year?

__ __ Did the meetings allow for testimony from any interested party, not just applicants?

Public Participation, cont'd

Yes No

__ __ Were written minutes of review board meetings kept on file and available to the public?

__ __ Did the minutes contain the reasons and criteria upon which the review board's decisions were made?

__ __ Were review board decisions made in a public forum?

__ __ Were applicants given written notification of the review board's decisions?

__ __ Were the rules of procedure adopted by the review board available to the public?

__ __ Was public notice provided prior to any special meetings of the review board?

Comments:

National Register Process

All questions under this section should be verified after discussion with the liaison and by examining the CLG's procedures, minutes of review board meetings where nominations were considered, bylaws, and records from the SHPO, etc.

Yes No

During the time period under review

__ __ Has the CLG established, implemented and used a process for accepting or handling National Register nominations received first or initiated by the review board?

__ __ Did the review board promptly notify the SHPO when nominations were submitted to or initiated by that body and did it forward copies of all such materials received to the SHPO?

__ __ Has the CLG maintained an accurate record of all National Register nominations that it has initiated or received from the public or SHPO?

__ __ Were 75% of all nominations submitted by the CLG to the SHPO technically complete and well documented?

__ __ Were all reports on nominations reviewed by the CLG sent to the SHPO within a 60-calendar-day time period?

__ __ Did those reports objectively evaluate the properties in relation to the National Register criteria?

__ __ Have the review board's opinions regarding the eligibility of properties and districts been affirmed by the State Review Board at least 80% of the time?

Comments:

Demonstrated Improvement

All questions under this section should be verified after discussion with CLG liaison by examining pertinent documents, procedures, etc.

Yes No

__ __ If the local government was required in its CLG agreement to demonstrate improvement can it demonstrate that it has fulfilled these requirements?

Comments:

Financial Management

This section should be used only if the CLG has received a grant for a CLG project during the time period under review. Verification should be made through the examination of the project records and accounts, both in the CLG and at the SHPO.

Yes No

__ __ Did the CLG provide non-federal matching funds as specified by the SHPO in the grant agreement, if necessary?

__ __ Did the CLG maintain adequate financial management systems?

__ __ Did the CLG adhere to all requirements, administrative procedures, and policies of the Historic Preservation Fund Grants Manual?

__ __ Did the CLG adhere to any congressionally mandated requirements regarding the use of CLG funds?

__ __ Was the funded project an eligible one?

__ __ Was the project completed on time?

__ __ Was the grant administered by the CLG so that SHPO imposed deadlines were met and all requested documentation was supplied?

Comments:

Performance of Other Preservation Responsibilities

This section is designed to measure the locality's performance of other responsibilities that have a bearing on the preservation of local historic and cultural resources.

Yes No

__ __ Do decisions affecting historic resources made by the local government apart from the review board Demonstrate the locality's commitment to the identification, recognition, protection and preservation of its historic and cultural properties and support for the work of the review board?

__ __ Is the review board's design review advice for tax credit projects consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* so that the SHPO's review of such projects does not conflict with advice provided by the review board or its decisions?

__ __ Does the local government follow the review process as outlined in the ordinance, coming before the review board for certificates of appropriateness for local government projects within the historic district?

__ __ Is the local governing body supportive of review board decisions?

With regard to appeals of board decisions, how often in the last year has the governing body overturned a review board decision?_____

What was the governing body's reason for the most recent reversing of a review board decision, if there has been one? _____

Comments: