

2. By-Laws

BY-LAWS

GUAM HISTORIC PRESERVATION REVIEW BOARD

ARTICLE I Statement of Purpose

The purpose of these By-laws for the Guam Historic Preservation Review Board (hereafter referred to as Board) is to guide the functions of the Board.

ARTICLE II Functions of the Board

Section 1 The Board shall:

- a. Enter properties in the Guam Register of Historic Places.
- b. Evaluate nominations for inclusion of properties in the National Register of Historic Places.
- c. Review the survey and inventory of historic properties on Guam.
- d. Review the content of the comprehensive historic preservation plans.
- e. Serve as the Board of Directors for the Guam Preservation Trust.
- f. Serve as the State Historic Review Board for purposes related to the National Historic Preservation Act.
- g. Assume other duties as deemed necessary to further the interests of historic preservation.

Section 2 The Board shall provide advice and assistance to the Guam SHPO in conducting the duties and responsibilities of the Guam Historic Preservation Office (with the total exceptions of any Contractual or Personnel matters).

Section 3 The Board shall review each completed Historic Preservation Fund Grant Application prior to its submission to the Secretary of the Interior or National Park Service.

ARTICLE III Membership

Section 1 The Board shall consist of five (5) members and five (5) alternates, one (1) each having professional qualifications in the respective disciplines of architecture, archaeology, community

planning, history, and Chamorro culture.

Section 2 The Board shall be appointed by the Governor and confirmed by the Legislature as required by P.L. 20-151. Members appointed shall meet the required qualifications under the Federal guidelines, 36 CFR 61.

Section 3 The terms of appointment shall be for four (4) years except that of the five (5) members, the initial terms shall be: two (2) shall be for four (4) years, one (1) shall be for three (3) years, one (1) shall be for two (2) years and one (1) shall be for one (1) year. Replacement terms expire at the original appointment date.

Section 4 Each appointed member shall be sworn in and sign an oath of office prior to assuming his/her duties.

Section 5 Until a successor has been appointed, a member may continue to serve even though the member's term has expired.

Section 6 A person may be reappointed without limitations on consecutive terms. A person may be appointed to fill a vacancy and shall complete the unexpired term.

Section 7 Annually, at the first meeting held after January 1, the members of the Board shall elect a member to serve as chairperson for the year. The chairperson may appoint a vice-chairperson to act in his/her absence. The vice-chairperson may exercise all authority granted to the chairperson. In absence of both chairperson and vice-chairperson, the members present shall select the chairperson for that meeting.

Section 8 Any member absent for three consecutive scheduled meetings may be removed by the Governor. A person shall be appointed by the Governor to fill the unexpired term of the member removed.

Section 9 A member may resign at any time by giving notice to the Governor. A person shall be appointed by the Governor to fill the unexpired term of the member.

Section 10 The Guam Historic Preservation Officer shall act as Secretary to the Board.

ARTICLE IV Meetings

Section 1 The Board shall meet at such times and places deemed necessary by the Guam Historic Preservation Officer and the Chairperson of the Board.

Section 2 All meetings shall be noticed and conducted in accordance with Guam and Federal applicable laws, and minutes of the board's

proceedings shall be recorded.

Section 3 Staff members of the Guam State Historic Preservation Office shall provide secretarial and other staff services to the Board.

Section 4 A quorum of the Board shall be composed of four voting members of the Board. A recommendation and/or motion shall be carried upon the vote of a simple majority of the quorum. The exception is that for any Historic Register nomination to be approved, an affirmative vote of the major discipline(s) shall be required.

There shall be one vote for each of the five areas of expertise (Chamorro culture, History, Architecture, Archaeology, and Planning). This vote may be exercised by the principal members for the respective areas, or by the alternate members in the event that the principal member is absent or chooses not to exercise the vote.

Section 5 The Board shall utilize guidelines provided by the National Park Service through the Guam SHPO as the basis for National Register determinations. The Board may adopt additional guidelines for considering nominations, as determined appropriate.

ARTICLE V. Conflict of Interest

Section 1 Board members shall not require or accept any gifts, favors or loans from anyone with whom they are involved in any manner in the course of their official duties as a Board member or have been involved within an official capacity within the previous year as a Board member. This does not apply in the case of occasional nonpecuniary gifts, insignificant in value, public service awards, commercially reasonable loans by authorized lending institutions, or political campaign contributions actually used in a political campaign.

Section 2 No Board member shall participate in the selection, or in the award or administration of a subgrant, contract, or subcontract assisted by Historic Preservation Fund (hereafter referred to as HPF) grants, a Tax Act Certification, or National Register nomination, if a conflict of interest, were involved. Members who abstain from the decision making process shall not be considered to be ineligible to take part in, or benefit from, such activity. Members who thus abstain from the decision making process shall not be precluded from rendering an opinion concerning the activity, so long as those in a position to make a decision are fully informed as to the possible interest of the member abstaining.

Section 3 Any member of the Board who has a conflict of interest (as determined by the Guam SHPO) with respect to any application to be considered by the Board shall absent himself or herself from

the meeting during the discussion, and review of such application or contract. Such conflict of interest shall be recorded in the minutes of the Board for the meeting in which the member is absent. This requirement is applicable to members who directly represent private or Government agencies on any matter that would financially or personally benefit such member or any organization such member represents.

Section 4 Any Board member who stands to benefit personally or financially as a result of any part of any HPF grant application, including the regular appropriation or Continuation Grant, must not be present during the discussion or vote on that grant proposal.

Section 5 A Board member is considered to have a conflict of interest with respect to an application if any of the following has a personal or financial interest in that application or procurement:

- (a) The Board Member, spouse, minor child or partner;
- (b) A for-profit organization in which the member is serving as an officer, director, trustee, partner, or employee;
- (c) A non-profit organization in which the member is serving as an officer, director, trustee, partner, or employee;
- (d) Any person or organization with whom the person is negotiating or has any arrangement concerning prospective employment.

Section 6 Board members, in order to protect themselves and the Guam Historic Preservation office from allegations of conflicts of interest or favoritism, must take individual responsibility for evaluating their own financial interest or that of their family that relates directly, indirectly, or personally to their duties on the Board.

Section 7 Should an application be transmitted for review which, from the Board member's evaluation, presents a conflict of interest situation, the complete grant application shall be returned to the Guam SHPO staff member who transmitted such application with the advice that the member is abstaining from the review because of a conflict of interest or the appearance of a possible conflict of interest.

Section 8 The SHPO shall be responsible for bringing any possible conflicts of interest based upon known data to the attention of the Board member involved. The SHPO shall also be responsible for the final determination of whether a conflict of interest would exist.

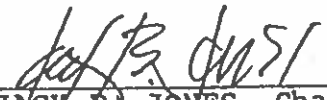
ARTICLE VI

Amendments

Section 1 These By-laws may be amended at any time by an affirmative vote of at least four of the members. A Board member or the SHPO may propose an amendment to the By-laws at any time by circulating a copy of the amendment at least seven days prior to the Board meeting at which the amendment will be considered. Upon request of any member, the chair shall place a proposed amendment on the agenda.

Section 2 Any amendment to the By-laws adopted by the members shall be incorporated into the original By-laws.


These By-laws were adopted June 19, 1990, by the Guam Historic Preservation Review Board.



JACK B. JONES, Chairperson
Architecture



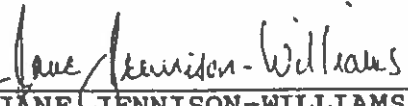
H. MARK RUTH
Architecture



ANTONIO M. PALOMO
History



MARJORIE DRIVER
History



JANE JENNISON-WILLIAMS
Archaeology



HIRO KURASHINA
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