

Benefits of Becoming a CLG in Indiana

General Benefits:

Increased visibility and credibility for the commission due to federal designation and recognition of the commission as a "certified local government" – meaning that the commission is certified to carry out specific preservation duties at the local level that would otherwise occur at the state level

Local involvement in the National Register application review process.

Opportunities for specific technical assistance from DHPA staff.

Periodic training opportunities through the DHPA, such as CAMP, CLG training sessions at the O'Brien and Main Street Conference, etc.

Financial Benefits:

Significant competitive advantage in applying for HPF matching grants; most CLG grant applications are funded each year. For non-CLG grant applications, the odds of being funded are roughly 1 in 2 or sometimes 1 in 3.

One free scholarship for a member or staff person of the commission to attend the annual O'Brien and Main Street Conference, which is co-sponsored by the DHPA.

Occasional opportunities for a "cooperative agreement" -- a joint project between the DHPA and the commission that is funded outside of the highly competitive HPF grant program for an important local project.

Scholarships through the DHPA to attend the National Alliance of Preservation Commissions (NAPC) Forum that is held every other year -- an outstanding training and networking event designed specifically for members and staff of preservation commissions.

**CERTIFIED LOCAL GOVERNMENT
APPLICATION REVIEW SHEET
State of Indiana
Department of Natural Resources
Division of Historic Preservation and Archaeology**

Municipal Government Applicant: _____

Chief Elected Local Official: _____

Chairperson of Local Preservation Commission: _____

Professional Staff Person for Commission: _____

Local contact information: _____

I. TECHNICAL REVIEW

Applicant has submitted:

1. Written assurances by the chief elected official and the head of the local preservation commission that the local government and the commission will each fulfill their responsibilities under Section 4 of the Indiana Certified Local Government Regulations.
[] Yes [] No [] Revised [] Approved Approval Date: _____
2. A copy of the local preservation ordinance.
[] Yes [] No [] Revised [] Approved Approval Date: _____
3. Resumes for each commission member.
[] Yes [] No [] Revised [] Approved Approval Date: _____
4. Resume(s) for designated professional staff or the individuals who will be supplying the local government with the expertise required in CLG Regulations, Section 4(e).
[] Yes [] No [] Revised [] Approved Approval Date: _____
5. One of the three documents described in CLG Regulations, Section 5(b)(5).
[] Yes [] No [] Revised [] Approved Approval Date: _____
6. A list of the areas and properties designated as local landmarks.
[] Yes [] No [] Revised [] Approved Approval Date: _____
7. A summary of standards and procedures adopted to protect listed local landmarks, and (if available) a copy of the local historic preservation plans.
[] Yes [] No [] Revised [] Approved Approval Date: _____
8. A description, including a timetable, as to how the local government will complete a survey or carry out an ongoing program to update an existing survey.
[] Yes [] No [] Revised [] Approved Approval Date: _____

Comments / Actions / Recommendations:

II. SUBSTANTIVE REVIEW

A. Local government enforces “appropriate State or local legislation for the designation and protection of historic properties.”

1. Local government has adopted and implemented a local preservation ordinance as permitted by Indiana Law in IC-36-7-11.

Yes No Revised Approved Approval Date: _____

2. Local government has established a historic preservation commission with power to designate local landmarks and historic districts and to review alterations, relocations, or demolitions of designated landmarks.

Yes No Revised Approved Approval Date: _____

3. Local government has adopted procedures to exercise powers cited in #2 above, and has submitted a copy of these procedures to the State.

Yes No Revised Approved Approval Date: _____

4. The local government has supplied one of the three documents cited in CLG Regulations, Section 5(b)(5).

Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

B. The local government has established “an adequate and qualified historic preservation review commission composed of professional and lay members.”

1. The commission is composed of no fewer than five nor more than nine members.

Yes No Revised Approved Approval Date: _____

2. All commission members shall have a demonstrated interest, competence, or knowledge of historic preservation.
 Yes No Revised Approved Approval Date: _____
3. Commission includes professionals from the disciplines listed in CLG Regulations, Section 4(b)(3) or has applied for a waiver per CLG Regulations, Section 4(b)(3)(A-B).
 Yes No Revised Approved Approval Date: _____
4. Terms of commission members are staggered.
 Yes No Revised Approved Approval Date: _____
5. Commission meets at regular intervals, at least four times per calendar year.
 Yes No Revised Approved Approval Date: _____
6. Commission has adopted rules of procedure, including a binding Code of Conduct, and has submitted a copy of this code to the State.
 Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

C. Local government “maintains a system for the survey and inventory of historic properties.”

1. Local government has in place a program to survey the area within its jurisdiction, and/or keep the existing survey up-to-date.
 Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

D. Local government “provides for adequate public participation in the historic preservation process.”

1. Local government acknowledges IC-36-7-11 provisions requiring that commission meetings be announced in advance and open to the public.
 Yes No Revised Approved Approval Date: _____

2. Commission's Rules of Procedure and Code of Conduct are available for public inspection.
 Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

E. Commission has access to professional preservation staff.

1. The local government has designated a professional to act as liaison between the local government and the State, as per CLG Regulations, Section 4(e).
 Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

F. The local government shall participate in the nomination of properties to the National Register of Historic Places.

1. The local government agrees to establish a system for processing National Register nominations for properties within its jurisdiction, in accordance with CLG Regulations, Section 4(f).
 Yes No Revised Approved Approval Date: _____

Comments / Actions / Recommendations:

**CERTIFIED LOCAL GOVERNMENT
APPLICATION SUBMITTALS
State of Indiana
Department of Natural Resources
Division of Historic Preservation and Archaeology**

When preparing an application for a municipality to be designated as a Certified Local Government, please assemble and submit all of the items listed below.

- [] A cover letter signed by the chief elected local official that commits the municipality to performing the duties specified in Section 4 of Indiana's Certified Local Government Regulations.
- [] A cover letter signed by the chairperson of the Commission that commits the Commission to performing the duties specified in Section 4 of Indiana's Certified Local Government Regulations.
- [] A copy of the local preservation ordinance that establishes the local historic preservation Commission and gives it powers to designate local landmarks and review alterations, relocations, and demolitions of local landmarks.
- [] A copy of the rules and operating procedures of the Commission and a copy of the municipality's code of conduct for Commission members.
- [] A written explanation of when and where the public may inspect the Commission's rules, operating procedures, and code of conduct, and how the public is notified of regular Commission meetings.
- [] A list of the Commission members that includes each person's position (chair, vice chair, professional member, citizen member, local district representative, etc.) and the begin and end dates of each members' term to show how the terms are staggered.
- [] A resume for each Commission member that clearly identifies educational qualifications, professional qualifications, specialized training, and any other pertinent items that demonstrate knowledge, competence, and/or personal interest in historic preservation.
- [] A resume for the designated professional staff person to the Commission that identifies his or her educational and professional qualifications to provide guidance to the Commission.
- [] A list of the single sites, districts, and areas designated as local landmarks. If available, include maps of the locally designated areas and address lists of all the designated properties.
- [] One of the three documents cited in Section 5(B)(5) of Indiana's Certified Local Government Regulations: a current programmatic memorandum of agreement with the SHPO and the Advisory Council on Historic Preservation for Community Development Block Grant activities (required for CDBG Entitlement Cities); a list of federally funded, assisted, or permitted activities undertaken by the local government in the previous twelve (12) months, including the dates that the projects were submitted for SHPO review; or a statement that the local government has not undertaken any federally funded, assisted, or permitted, construction projects in the previous twelve (12) months, and an assurance that the local government will comply with Section 106, where applicable.
- [] A copy of the local procedures adopted for reviewing National Register nominations OR a request for a temporary waiver of this requirement until such local procedures can be drafted, considered, and adopted by the Commission.

Educational Opportunities for CLG Staff and Commission Members

Continued training and education is important to ensure that commission members understand their role and responsibilities and function as a fair, impartial, and effective body. In addition, training events have the benefit of allowing members to make connections with their counterparts in other communities. Each commission should strive to send a majority of its members to at least one training session each year. A summary of commission member and staff participation in educational events is required as part of the CLG's annual report to the Division of Historic Preservation and Archaeology.

The following events and activities cover a broad range of subjects and are endorsed by the Division as appropriate continuing education opportunities for commission members and staff. Each educational opportunity may be more or less pertinent to specific local circumstances. Also, some opportunities are free while others may require in-state or out-of-state travel and/or registration costs.

Commission Assistance & Mentoring Program – CAMP (Periodic, usually Bi-Annual)

The Commission Assistance and Mentoring Program (CAMP) is a dynamic one-day or one-and-a-half day training event designed to increase the effectiveness of local historic preservation commissions. Relying heavily on the “summer camp” theme, this event draws upon the best ideas and practices from preservation commissions around the country. Led by NAPC “camp counselors” who are nationally respected experts on local preservation commission issues, campers can learn the ropes, improve their survival skills, practice working as a team, and have fun at the same time. CAMP training focuses on: the legal framework for public preservation through federal and state legislation and local ordinances; the local commission's role, responsibilities, and procedures and other legal issues; identification and protection of historic resources through survey, designations, design review, and enforcement; and public support, citizen education and outreach, and media relations. CAMP is sponsored by the DHPA and is held in a different community usually every second year (odd-numbered years); it is probably the single most pertinent and intensive training available for local preservation commissions. The usual registration fee is only about \$25; however, participation is generally about a \$350 value, which is covered by the DHPA in order to keep this training affordable.

Preserving Historic Places – Indiana's Statewide Preservation Conference (formerly the Cornelius O'Brien Conference on Historic Preservation) **(Annual)**

This three-day conference is the official historic preservation forum in Indiana and is held in a different community each spring. The conference features a number of plenary and concurrent sessions that cover a variety of topics, including emerging preservation issues at the national, state, and local levels. Informational sessions are augmented by keynote speakers, tours of preservation highlights in the host community, and opportunities to network with fellow preservationists from around the state. The conference normally features a training session aimed specifically at local historic preservation commissions and review boards. Attendees normally include preservation professionals, local commission members and staff, Main Street organization staff and members, preservation students and educators, members of local preservation groups, and interested members of the general public. The conference is co-sponsored by the Division of Historic Preservation and Archaeology, Indiana University, and Historic Landmarks Foundation of Indiana. The conference registration fee with full meal package is usually about \$150. The conference normally provides about ten scholarships for members and staff of CLG commissions. Scholarships are usually awarded on a first-come, first-served basis, normally with a limit of one scholarship per CLG.

National Alliance of Preservation Commissions Forum (Bi-Annual)

The three-day NAPC Forum is held in a different city in the summer of every second year (even-numbered years). Training sessions are geared specifically toward commission members and staff. Sessions focus on issues and circumstances that are specific to rural communities, small towns, medium-sized cities, and metropolitan areas. Information sessions cover a very wide variety of topics. The forum also features tours of the host community. The NAPC Forum is one of the very best training opportunities for commission members. The usual conference registration fee is about \$200. As funds permit, the Division provides a limited number of scholarships for commission members and staff to attend the NAPC Forum. Scholarships are awarded on a competitive basis, usually with preference given to commission chairs, new commission members, and those who have not attended NAPC Forum before.

National Trust Conference (Annual)

The National Trust for Historic Preservation holds its week-long conference in a different city each fall. Dozens of educational and informational sessions are held each day and cover a wide range of topics. Sessions are tailored to audiences of beginner, intermediate, and advanced preservationists, so there is something for everyone. The conference also features tours and highlights of the host city and the chance to meet preservationists from all across the country. The usual conference registration fee is about \$300, plus any additional add-on events and tours.

Historic Preservation Commission Meetings of Other CLG Communities (Monthly / Quarterly)

Groups of two or more commission staff and members are encouraged to visit other CLG communities to observe a meeting of the local historic preservation commission. The visitors should pay close attention to the agenda, the introductions, whether the local commission follows a script, the interaction between the staff and commission members, how the chair leads the meeting, the issues that come before the commission, and how the commission staff and members conduct themselves and their business. The visitors are strongly encouraged to report back to their own commission their observations, lessons learned, and any recommendations for improving their own commission and meeting procedures.

Historic Preservation Month Events (Annual)

Each May, the Division sponsors Historic Preservation Month. Informational and education events and activities are held for the public all around the state by local preservation organizations, historic preservation commissions, municipal governments, and other groups. Depending on their topics, some of these opportunities may be useful to commission members and staff and may count for continuing education credit.

Indiana Archaeology Month Events (Annual)

Each September, the Division sponsors Indiana Archaeology Month. Informational and educational events and activities are held for the public all around the state by partnering universities, state properties, and avocational groups. The public can learn about archaeology and Indiana’s rich cultural heritage through public digs, open houses at archaeology laboratories and museums, artifact identification sessions, public lectures, and stewardship and training sessions. Some of these opportunities may be useful to commissions that have known archaeological resources within their jurisdictions.

Division-Sponsored Training Opportunities (Periodic)

As time permits, Division staff host local training sessions, usually at the request or invitation of a community group. These sessions are often aimed at not-for-profit preservation groups, commission members, local government staff, and interested individuals. Topics include archaeology, the review and compliance process, the National Register listing process, and financial incentives for preservation activities.

Commission-Sponsored Training Opportunities (Periodic)

Some commissions host presentations and workshops, often in conjunction with Historic Preservation Month (May). These events are often open to the general public as well as participants from other communities. The DHPA helps promote these opportunities through e-mail announcements as they occur. Such events are often free or have a very nominal cost. Depending on the substance and content of the events, participation may count for continuing education credit.

Other Opportunities

Local commission members and staff may pursue other educational opportunities beyond those listed above, such as creating their own local training sessions or inviting preservation experts to be guest speakers at their regular meetings. These training sessions can be tailored to meet local needs, but should be organized carefully to avoid any potential conflicts of interest.

CLG Resource Libraries

Each CLG commission has been provided with a “resource library” from the DHPA. These materials cover a broad range of topics that local historic preservation commissions may face in their normal duties, including preservation economics and law, combating sprawl, effective communication with the public, architectural styles and history, neighborhood preservation, and much more. Commission staff and members are strongly encouraged to read one or more of these materials each year.



Things that don't normally count for continuing education credit:

- 1. Events where the person is a presenter.** To count for continuing education credit, the participant should be actively engaged as a “learner.”
- 2. Tours of historic buildings or homes.** In general, home tours or tours of other historic buildings do not convey sufficient technical or historical information so as to impart any substantive “training.” However, there may be very rare exceptions where lengthy and highly detailed tours do convey a significant amount of technical information (such as about rehabilitation methodology) or historical information (such as about particular architectural styles).
- 3. Social events.** Some commissions may sponsor annual social events, such as public ice cream socials or other “meet the commission” events. Commission staff and members may also participate in other social events, such as “meet the mayor” or “meet the city council,” etc. While there is often real value in “putting a face on the commission” and “meeting and greeting” members of the public and/or local elected officials, such events ordinarily would not count for continuing education credit.

If you have questions about an event or activity and whether it may qualify for continuing education credit, please contact Steve Kennedy of the DHPA at: skennedy@dnr.IN.gov or by phone at 317-232-6981.

INDIANA CERTIFIED LOCAL GOVERNMENT REGULATIONS

**Administered by the
Indiana Department of Natural Resources,
Division of Historic Preservation and Archaeology**

July 2003

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Section 1: Introduction

Since its initial enactment in 1966 and through several amendments, the National Historic Preservation Act, as amended (P.L. 89-665, 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 prehistoric and historic sites and properties. The Certified Local Government (CLG) program is the primary way through which qualified and interested local governments may participate in the national historic preservation partnership.

These procedures describe how the CLG program operates in the State of Indiana. This program is administered by the Department of Natural Resources, Division of Historic Preservation and Archaeology, which is designated as the State Historic Preservation Office (SHPO). The program elevates communities with existing preservation commissions and functions to a higher level of federal and state recognition. CLG communities retain a degree of autonomy over local National Register nominations and the review of federal undertakings within their jurisdiction. In return for conducting these reviews at the local level, and thereby reducing the workload of the State Historic Preservation Office, CLG communities gain a significant competitive advantage when seeking federal matching grant funds administered by the SHPO. Participating communities must meet basic annual reporting requirements for the SHPO and are eligible to receive special training and technical assistance from the SHPO. In this way, CLG communities are a critical component of the federal-state-local preservation partnership.

Throughout this document, all references to numbers of days shall be understood to mean calendar days, and not business days, unless otherwise noted.

Section 2: Authority

The CLG program in Indiana is operated in accordance with: the National Historic Preservation Act, as amended (especially Sections 101(c), 103(c), and 301); Code of Federal Regulations, Title 36, Part 61 (36 CFR 61) “Procedures for State, Tribal, and Local Government Historic Preservation Programs”; and the Historic Preservation Fund Grants Manual, October 1997 Release.

States must adopt program guidelines and procedures for certified local governments in accordance with federal rules and regulations as set forth in 36 CFR 61.6. Indiana State Law IC 14-21-1 authorizes the Department of Natural Resources to qualify the State to participate in the Department of the Interior preservation program and to promulgate state rules. Indiana State Law IC 36-7-11 governs the creation, duties, and procedures of local historic preservation commissions.

Section 3: Definitions

- (A) “Advisory Council” means the Advisory Council on Historic Preservation created and authorized by the National Historic Preservation Act of 1966, as amended.
- (B) “Archaeological Site” means any deposit of prehistoric or historic cultural resources, artifacts, or features.
- (C) “Archaeological Survey” means a systematic and comprehensive process of identifying and documenting archaeological sites or districts that may meet the criteria for inclusion in the National Register of Historic Places and/or the State Register of Historic Sites and Structures or that contribute to the overall prehistoric or historic context of the area.
- (D) “Certified Local Government” or “CLG” means any local government certified by the Indiana State Historic Preservation Officer and the Secretary of the Interior as meeting requirements set forth in this rule and federal regulations set forth in 36 CFR 61.6.
- (E) “Chief Elected Local Official” means a mayor, president of a town board of trustees, president of a board of county commissioners, or any other elected head of a local government.
- (F) “Department” means the Indiana Department of Natural Resources (DNR).

- (G) “Department of the Interior” means the Department of the Interior of the federal government, including bureaus such as the National Park Service, authorized to carry out the National Historic Preservation Act of 1966, as amended.
- (H) “Deputy State Historic Preservation Officer” means the Director of the Division of Historic Preservation and Archaeology within the Department of Natural Resources.
- (I) “Director” means the Director of the Department of Natural Resources, who is also the State Historic Preservation Officer and is designated by Indiana law IC 14-21-1-19 to supervise the Indiana historic preservation program.
- (J) “Division” means the Division of Historic Preservation and Archaeology within the Department of Natural Resources.
- (K) “Historic Preservation Fund” or “HPF” means the monies awarded annually to the states by the federal government to support state and local preservation programs and activities administered by the Department of the Interior.
- (L) “Historic Preservation Review Commission” or “Commission” means a board or commission established by a local government under the authority of Indiana law IC 36-7-11-4.
- (M) “Historical / Architectural Site” means any property containing an historically or architecturally significant site, structure, building, or object that may meet the criteria for inclusion in the National Register of Historic Places and/or the State Register of Historic Sites and Structures or that contributes to the overall historic context of the area.
- (N) “Historical / Architectural Survey” means a systematic and comprehensive process of identifying and documenting historical and architectural sites that may meet the criteria for inclusion in the National Register of Historic Places and/or the State Register of Historic Sites and Structures or that contribute to the overall historic context of the area.
- (O) “Inventory” means a list maintained by the local government of all known archaeological, historical, and architectural sites and properties within the local government’s jurisdiction that may meet the criteria for inclusion in the National Register of Historic Places and/or the State Register of Historic Sites and Structures or that contribute to the overall prehistoric or historic context of the area.
- (P) “Local Government” means any county, township, city, town, or other political subdivision of Indiana that has general-purpose governmental responsibilities.
- (Q) “Local Register” means a list maintained by the local government of archaeological, historical, and architectural sites within its jurisdiction that have been designated as local landmarks by the local historic preservation review commission.
- (R) “National Register” means the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.
- (S) “National Register Application” means a National Register of Historic Places Inventory-Nomination Form, as supplied by the Department of the Interior, or a photocopy of such form, which has been filled in with sufficient information such that, in the opinion of its preparer, it is ready for submission to the National Register. A “completed National Register Application” means a National Register Application that has been reviewed by a CLG or the Division and has been determined to be adequately documented and include all descriptions, photographs, and maps required by the Department of the Interior for submission to the National Register.
- (T) “Secretary” means the Secretary of the Interior of the federal government.
- (U) “Section 106” means Section 106 of the National Historic Preservation Act of 1966, as amended.
- (V) “State” means the State of Indiana, including all of its departments, divisions, agencies, and offices.
- (W) “State Historic Preservation Officer” (SHPO) means the Director of the Department of Natural Resources, who is designated by Indiana law IC 14-21-1-19 to supervise the Indiana historic preservation program.
- (X) “State Register” means the Indiana State Register of Historic Sites and Structures, which lists districts, sites, buildings, structures, and objects that are significant in Indiana history, architecture, archaeology, engineering, and culture.
- (Y) “State Review Board” means the Indiana State Professional Historic Preservation Review Board created by Indiana law IC 14-21-1-20 to review applications to the National Register of Historic Places and the State Register of Historic Sites and Structures and to advise the Department on matters of historic preservation and archaeology.

- (Z) “Subgrantee” means an agency, institution, organization, or individual to which a subgrant is made by the Division, being the recipient and grantee of federal funds, and which is accountable to the State for the use of awarded federal funds.

Section 4: Requirements for Certified Local Governments

In order to be designated as CLGs, and to maintain that status, local governments in Indiana shall meet the following minimum requirements:

- (A) CLGs shall adopt local legislation for the designation and protection of historic properties, enforce appropriate state and local legislation for the designation and protection of historic properties, and comply with Section 106 of the National Historic Preservation Act of 1966, as amended. CLGs shall meet these requirements in the following ways:
- (1) The local government must adopt and implement a local preservation ordinance for the designation and protection of historic properties as permitted by Indiana law in IC 36-7-11-4 and in accordance with 36 CFR 61.6 and the National Historic Preservation Act of 1966, Section 101, as amended.
 - (2) The local government must establish a historic preservation review commission with power to designate local landmarks and historic districts and review alterations, relocations, or demolitions of locally designated landmarks.
 - (3) The local government must adopt procedures, guidelines, and design review evaluation criteria to designate local landmarks or districts and review projects affecting landmarks or districts through impact, alteration, relocation, and demolition. Such evaluation criteria should be consistent with the applicable Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, including the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
 - (4) The local government shall demonstrate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, in regard to federally funded, assisted, or permitted activities undertaken by the local government. Local governments shall demonstrate compliance in one of the following ways:
 - (a) Local governments that are Entitlement Cities under the Community Development Block Grant program of the Department of Housing and Urban Development shall execute and maintain a programmatic memorandum of agreement with the SHPO and National Advisory Council to ensure the protection of properties that are listed in or eligible for inclusion in the National Register.
 - (b) A local government that is not a Community Development Block Grant Entitlement City shall submit a list of all federally funded, assisted, or permitted construction projects that the local government has carried out in the last twelve (12) months previous to its application or its annual report to the SHPO. The list shall include dates when projects were submitted to the SHPO for review.
 - (c) A local government that has not undertaken any federally funded, assisted, or permitted construction activities in the twelve (12) months previous to either its application or its annual report to the SHPO, and is NOT a Community Development Block Grant Entitlement City, shall submit a statement signed by the chief elected local official assuring that the local government will comply with Section 106 for the ensuing period that the local government will be certified.
 - (5) To assist protection of cultural resources under state and federal law, CLGs shall promptly respond to reasonable requests from the Division for information regarding properties affected by federal, state, or local projects.
- (B) CLGs must have an adequate and qualified historic preservation review commission in accordance with Indiana law IC 36-7-11-4.
- (1) The Commission shall have no fewer than three (3) members and no more than nine (9) members appointed by the chief elected local official.

- (2) All Commission members shall have a demonstrated interest, competence, or knowledge in historic preservation and be residents of the community covered by the local government.
 - (3) To the extent available within the community, the local Commission shall include professional members from the disciplines of architecture, history, architectural history, preservation planning, archaeology, or other historic preservation-related disciplines, such as urban planning, American studies, art history, cultural geography, or cultural anthropology. Professionals should meet the minimum qualifications as specified by the Department of the Interior in Appendix A: Professional Qualification Standards.
 - (a) If a local government cannot appoint to its Commission professionals in the disciplines of architecture, history, architectural history, preservation planning, archaeology, or other historic preservation-related disciplines, then the SHPO can waive the requirement for professionals in these disciplines. Before waivers can be granted, the local government must demonstrate good faith efforts to secure the missing professional expertise.
 - (b) Local governments that cannot appoint to their Commission professionals from within the community, and who receive a waiver from the SHPO as described in Section 4(B)(3)(a), must secure the missing expertise outside the community through a contract or other arrangement with a qualified professional or university or preservation organization with qualified professional staff for the review of National Register Applications or other actions that are normally evaluated by a professional.
 - (4) Commission members shall serve staggered three (3) year terms; vacancies on the Commission must be filled within ninety (90) days.
 - (5) The Commission shall hold regular meetings as often as is necessary to complete the workload in a timely manner, at least monthly, except when it has no business pending. Commission meetings shall be publicized in advance and be made open to the public in accordance with Indiana law IC 5-14-1.5.
 - (6) The Commission shall adopt and operate under written rules of procedure that shall be binding on all members and staff. The rules of procedure shall include a code of conduct, including a definition of and policy for conflict of interest. The conflict of interest policy shall cover all activities and responsibilities of the Commission, including HPF subgrants or HPF-assisted activities, Federal Preservation Tax Incentive certifications, National Register applications and nominations, and local Review and Compliance issues.
 - (7) Each year, a majority of the members of each Commission must attend at least one informational or educational meeting, training session, conference, or activity approved by the Division.
 - (8) The Commission shall maintain an active program to designate local landmarks and review impacts, alterations, relocations, and demolitions of local landmarks or historic districts, as noted in Section 4(A)(3).
 - (9) The Commission will review all National Register Applications for properties located within the corporate boundaries of the CLG, in accordance with the CLG's agreement noted in Section 5(C).
- (C) CLGs must have an active program to conduct a survey and maintain an inventory of archaeological and historical/architectural sites and properties within their jurisdiction.
- (1) Unless systematic and comprehensive archaeological and historical/architectural surveys have been completed in accordance with standards adopted by the Division, the CLG shall undertake and complete a survey program or arrange to have another party complete such surveys in accordance with State standards. A list of areas with completed archaeological and historical/architectural surveys can be obtained from the Division.
 - (2) Once State-approved archaeological and historical/architectural surveys have been completed, the CLG must adopt a system to regularly update the survey data by noting any physical changes, alterations, demolitions, and new information, and by systematically documenting properties that have reached fifty (50) years of age subsequent to completion of the initial survey.

- (3) When completing or updating surveys, CLGs must record data on forms approved by the Division. Duplicate copies of all survey records, including maps, photographs and/or negatives, must be supplied to the Division.
 - (4) The local inventory should be kept in a safe and secure location, but should be made available to the public during normal business hours to the extent possible.
- (D) CLGs shall provide for adequate public participation in their local historic preservation program, including the process of nominating properties to the National Register.
- (1) Commission meetings shall be announced in advance and open to the public, in accordance with Indiana law IC 5-14-1.5.
 - (2) Written minutes shall be kept of the Commission's proceedings; the minutes must be kept on file and be available to the public.
 - (3) The Commission's rules of procedure and code of conduct shall be available for public inspection.
 - (4) CLGs must adopt procedures that will fulfill federal regulations regarding owner and public notification of pending National Register Applications prior to action by the Commission.
 - (5) The Commission shall accept for processing National Register Applications submitted by any organization or individual.
 - (6) The local government shall prepare a yearly report that summarizes its activities and the activities of the Commission. The items to be included in the report are identified in Section 6(B).
 - (7) The local government shall review its public participation activities on a yearly basis to confirm compliance with appropriate local, state, and federal regulations, standards, and guidelines.
- (E) CLGs must have access to professional preservation staff.
- (1) CLGs must designate a professional in one of the following disciplines to act as a liaison between the local government and the Division: history, architecture, architectural history, archaeology, or other related fields, such as urban planning, American studies, art history, cultural geography, or cultural anthropology. The designated individual should meet minimum federal professional requirements as defined in Appendix A: Professional Qualification Standards.
 - (2) The designated professional shall either be an employee of the CLG or provide professional services under a written agreement. A professional may be the designated liaison for more than one CLG.
 - (3) The designated professional should attend at least one informational or educational meeting, training session, conference, or activity approved by the Division.
- (F) Certified Local Governments shall participate in the nomination of properties to the National Register.
- (1) National Register Applications for properties located entirely within the jurisdiction of a CLG will be directed to and processed by that CLG.
 - (a) National Register Applications for properties located entirely within the corporate boundaries of a CLG are to be submitted directly to the local government. Any National Register Applications for properties with the CLG received by the Division will be forwarded to the CLG.
 - (b) The CLG shall establish a record of each National Register Application and shall forward a copy to the Division within five (5) business days of receipt, unless the application has been transmitted from the Division to the CLG.
 - (c) The designated professional working for the CLG shall be responsible for revising or completing as necessary any National Register Applications that are submitted to or forwarded to the CLG. The CLG shall have sixty (60) days from the date of receipt to revise and complete a National Register Application for an individual property. The CLG shall have one hundred twenty (120) days to revise and complete a National Register Application for a contiguous district, thematic group, or multiple resource area. If the CLG fails to revise and complete and schedule for Commission review a submitted or forwarded National Register Application within the above

- deadlines, the applicant, property owner, or any other interested party may appeal to the Division for review of the application.
- (d) Completed National Register Applications will be scheduled for public comment and review by the Commission at its next meeting, which must be within fifty (50) days of receipt of the completed application.
 - (e) The CLG shall notify owners, city and county officials, and the public of pending National Register Applications. Before a CLG can participate in the National Register nomination process, it must submit to the SHPO for approval an outline of its proposed notification procedures and copies of letters and legal advertisements. Procedures must adhere to federal regulations and/or 36 CFR 60 for established time periods and notification of property owners and chief elected officials of other local governments. Copies of notification records, including letters, legal notices, press releases and articles, public meetings, and any written comment on the application shall be forwarded to the Division.
- (2) The Commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. The chief elected local official shall transmit the report of the Commission and his or her recommendation to the State Historic Preservation Officer.
 - (a) If the chief elected local official and Commission agree that the property meets the criteria for inclusion in the National Register, or if one of the two believes that the property meets the criteria for inclusion in the National Register, then the CLG shall transmit to the Division the completed National Register Application, the Commission's report, and the recommendation of the chief elected local official within sixty (60) days of receipt of the completed National Register Application, with recommendations of the chief elected local official and Commission. After Division staff has reviewed the application for technical correctness, the application shall be scheduled for State Review Board consideration in accordance with established review procedures.
 - (b) If the chief elected local official and Commission agree that a property does NOT meet the criteria for inclusion in the National Register, then the CLG shall transmit to the Division the completed National Register Application, the Commission's report, and the recommendation of the chief elected local official within sixty (60) days of receipt of the completed National Register Application. At the same time, the CLG shall notify the applicant and property owner(s) of its recommendations and their right to appeal those recommendations. Upon receipt of the application and negative recommendations, the Division will take no further action unless an appeal is filed with the SHPO within thirty (30) days of its receipt. If an appeal is filed, the Division will schedule the application for consideration by the State Review Board.
 - (c) If a CLG fails to act on an application within the above deadlines, then the Division may schedule the application for State Review Board consideration, and the Division shall review the CLG's performance record in accordance with the standards specified in Appendix F: CLG Monitoring Checklist.
 - (3) The SHPO may expedite the above nomination process with the concurrence of the CLG, provided that the expedited process is consistent with federal regulations.
- (G) CLGs shall satisfactorily perform the responsibilities delegated to them under the National Historic Preservation Act of 1966, as amended. Satisfactory performance standards are specified in Appendix F: CLG Monitoring Checklist.
 - (1) CLGs must carry out the requirements listed in Section 4(A-F).
 - (2) CLGs may assume additional responsibilities as agreed to by the SHPO.

Section 5: Process for Certifying Local Governments

- (A) No local governments can be certified until after the Secretary has approved the Indiana CLG plan.

- (B) The chief elected local official shall request certification from the SHPO that the local government meets the requirements to be designated as a CLG. The request for certification shall include the following items:
- (1) Written assurances signed by the chief elected local official and the head of the Commission that the local government and Commission will each fulfill their responsibilities under Section 4(A-G).
 - (2) A copy of the local historic preservation ordinance and copies of the by-laws, code of conduct, and any other local regulations that are binding on Commission members.
 - (3) Resumes for each Commission member that demonstrate interest, competence, or knowledge in historic preservation, including, where appropriate, professional credentials for members with expertise in fields related to historic preservation. The format of the resumes of professionals must be such that an accurate comparison with the requirements of 36 CFR 61 can be made. If a Commission lacks one (1) or more of the professionals required in Section 4(B)(3), then the CLG must submit a narrative of attempts to secure the missing expertise from within the community; copies of correspondence documenting the CLG's efforts must be attached to the narrative. The CLG must also indicate how it has arranged to secure the missing technical expertise when it is required.
 - (4) Resume(s) of professional designated staff or the individual who will be supplying the local government with expertise described in Section 4(E). The format of the resume(s) must be such that an accurate comparison with the requirements of 36 CFR 61 can be made. If the individual is not a full-time employee, then a copy of a contract or letter of agreement securing the services must be included.
 - (5) One of the following:
 - (a) A current programmatic memorandum of agreement with the SHPO and Advisory Council for Community Development Block Grant activities. This item is required for Community Development Block Grant Entitlement Cities.
 - (b) A list of federally funded, assisted, or permitted activities undertaken by the local government in the previous twelve (12) months, including the dates that the projects were submitted for SHPO review.
 - (c) A statement that the local government has not undertaken any federally funded, assisted, or permitted, construction projects in the previous twelve (12) months, and an assurance that the local government will comply with Section 106, where applicable.
 - (6) A list of areas and properties designated as local landmarks and a copy of the procedures, guidelines, and design review evaluation criteria adopted to protect local landmarks.
 - (7) A description, including a timetable, as to how the local government will complete a survey or carry out an ongoing program to update an existing survey.
- (C) The SHPO shall respond to the chief elected official within sixty (60) days of receipt of an adequately documented request. If the SHPO determines that the request fails to meet minimum requirements, the SHPO will so advise the local government, indicating the deficiencies. If the SHPO determines that the local government fulfills the requirements, the SHPO will sign an agreement with the local government, detailing the responsibilities delegated to it; the SHPO will then forward the certification agreement and recommendation for CLG designation to the Secretary for review.
- (D) If the Secretary does not object within fifteen (15) business days of receipt of the SHPO's recommendation for certification, the local government will be certified.

Section 6: Monitoring Certified Local Governments

- (A) The Division will monitor CLGs to assure that each local government is fulfilling its responsibilities. Monitoring shall be done using written reports submitted to the Division annually, and program reviews conducted by the Division no less than once every two years.

- (B) An annual report will be submitted by the CLG on or before October 31 of each year covering the previous twelve-month period from October 1 to September 30 (concurrent with the federal fiscal year). The report shall include:
- (1) Any pertinent information that updates the local government's original CLG application, including any supporting materials or documentation.
 - (2) Resumes for any new Commission members or staff, the names of the current Commission staff person and head of the Commission and their full contact information (mailing address, phone number, and e-mail address), and an up-to-date list of Commission members including the date of expiration of their terms.
 - (3) A list of Commission members and staff who attended approved informational or educational meetings, training sessions, conferences, or activities approved by the Division.
 - (4) Restatements by the chief elected local official and the head of the Commission that each fulfills the responsibilities assigned in Section 4(A-G), and will continue to do so.
 - (5) A progress report for on-going survey efforts or a survey update plan with a timetable.
 - (6) A list of properties and areas designated as local landmarks during the reporting period.
 - (7) A list of National Register Applications received during the reporting period, along with a statement on the status of each application.
 - (8) Information on Section 106 compliance to satisfy Section 4(A)(4).
 - (9) A summary of general accomplishments to promote preservation and protect local resources.
- (C) Program reviews will be conducted by the Division at the offices of the CLG. In order to complete the program review successfully, the Division must verify that the CLG can answer affirmatively to all applicable questions listed in Appendix F: CLG Monitoring Checklist. The Division shall determine which questions are and are not applicable to a particular CLG, and shall include this information in its certification agreement with the local government.
- (D) Upon request and during program reviews, the CLG will make available to representatives of the Division all pertinent records of the Commission and its activities.
- (E) At any time the CLG may consult with the Division regarding a change in delegation of responsibilities to the CLG. If the SHPO concurs with the proposed amendment, the SHPO will submit the amendment to the Secretary for review; if the Secretary does not object to the amendment within fifteen (15) business days of its receipt, then the amendment shall be considered approved.
- (F) If the Division determines, based on the results of the above monitoring process, that the CLG is failing to perform its duties adequately, the SHPO shall notify the chief elected local official, indicating the deficiencies and suggesting measures to rectify the situation. The Division shall make available technical information and assistance to help CLGs correct deficiencies. If the CLG fails to satisfy the Division's concerns within ninety (90) days, then the SHPO shall initiate decertification of the local government as outlined in Section 7(A-C).

Section 7: Decertifying Local Governments

- (A) A CLG may request decertification at any time. The request must be made in writing by the chief elected local official. Upon receipt of such request, the SHPO will forward a recommendation for decertification to the Secretary within thirty (30) days of receipt. If the Secretary does not object within thirty (30) days of receipt, the decertification shall be considered approved by the Secretary.
- (B) If, at any time, the Division believes that the CLG has failed to perform its duties adequately, the Division shall undertake a program review as outlined in Section 6(C). If the program review confirms that the CLG is performing inadequately, the SHPO shall notify the chief elected local official, indicating the deficiencies and suggesting measures to rectify the situation. If the CLG fails to satisfy the Division's concerns within ninety (90) days, then the SHPO shall notify the chief elected local official and shall recommend decertification. If the Secretary does not object within thirty (30) days of receipt, decertification shall be considered approved by the Secretary.

- (C) If decertification is approved by the Secretary, and if the CLG is receiving Historic Preservation Fund grant assistance, the Division will conduct financial assistance closeout procedures as specified in the Historic Preservation Fund Grants Manual.

Section 8: Transfer of HPF Grant Funds to Certified Local Governments

- (A) The SHPO must transfer a minimum of ten (10) percent of the State's annual apportionment of HPF funds to CLGs for HPF-eligible activities. In any year in which the annual HPF grant appropriation exceeds \$65 million, one half of the amount above \$65 million shall also be transferred to CLGs.
- (B) CLG status must be conferred by the National Park Service before a local government can compete for HPF subgrant funds as a CLG. Communities from which a CLG application has been received and processed but not yet approved by the National Park Service are not eligible to compete for HPF subgrant funds as CLGs.
- (C) All CLGs are eligible to compete for a subgrant from the ten (10) percent (or greater) CLG share; however, certification status does not guarantee that a local government will automatically receive a subgrant award. HPF subgrant applications will be considered by the Division and approved by the State Review Board on a competitive basis using pre-established evaluation criteria. The Division normally allows the HPF program CLG share to exceed ten (10) percent, and does not limit the CLG share to the minimum ten (10) percent required.
- (D) To be eligible to receive HPF subgrants, CLGs must satisfy the following requirements:
 - (1) Adhere to all state and federal program and financial expenditure requirements specified by the Division and the Historic Preservation Fund Grants Manual and maintain CLG status.
 - (2) Maintain adequate financial management systems in accordance with standards in OMB Circular A-102 and Grants Management Common Rule regulations set forth in 43 CFR 12, including local competitive procurement procedures that meet the requirements of 43 CFR 12.76.
 - (3) Have a financial management system auditable in accordance with the State Board of Accounts and the General Accounting Office.
 - (4) Supply copies of program and financial grant records for auditing by the Division or sign an agreement with the Division that financial audits will be carried out by the CLG in accordance with OMB Circular A-102 and Grants Management Common Rule regulations set forth in 43 CFR 12.
 - (5) Include only direct costs as part of a CLG subgrant. Overhead costs may be eligible for reimbursement under subgrant awards only if itemized and included in the original subgrant application.
 - (6) Adhere to any requirements mandated by Congress regarding the use of such federal funds.
 - (7) Undertake projects that will produce specific and measurable impacts in identifying, developing, promoting, and protecting resources listed in or eligible for inclusion in the National Register.
 - (8) Include a progress report on any CLG subgrants in the CLG's annual report to the Division, as described in Section 6(B); the report must include information on the fiscal management of HPF monies.
 - (9) The SHPO cannot waive requirements outlined in Section 8(D)(1-8), even if such a waiver would make many more CLGs eligible to receive subgrants.
- (E) At its July meeting, the State Review Board shall adopt funding priorities for HPF subgrants for the next federal fiscal year. Within two (2) weeks of the Board meeting, the Division will make available to all CLGs subgrant application materials; the application materials will identify the funding priorities that will be used to evaluate all subgrant requests. Any Division-recommended and State Review Board-approved uses of funds must be eligible for federal assistance under the guidelines set forth in the Historic Preservation Fund Grants Manual.

- (F) CLGs (and all other applicants) shall have at least sixty (60) days in which to prepare the subgrant application from the time that application materials are first made available to the public until the published deadline for submitting subgrant applications.
- (G) After the Division ranks the subgrant applications, the State Review Board will determine which applications will be funded. Funding will be based on the evaluation criteria and numerical rating system previously adopted by the State Review Board. Every effort will be made to fund as many eligible CLGs as possible, given the limitations in Section 8(D)(7) and the fluctuating amount of annual federal funding available for the HPF subgrant program in the State. Upon request, the Division shall make available to the public the ranking and evaluation of all applications and the amounts awarded as subgrants.
- (H) Under the HPF grant program, CLGs will normally be required by the State to match federal funds with non-federal monies. The matching ratio is fifty (50) percent for all projects except for archaeological and historical/architectural survey projects, which require a thirty (30) percent local match. However, the Division reserves the right to waive these local match requirements for CLGs. Federal funds awarded to CLGs may not be applied as a matching share for any other federal grant or subgrant.
- (I) Receipt of a subgrant in any one fiscal year does not guarantee that a CLG will be awarded a subgrant in a subsequent year. CLG subgrant applications are subject to competitive factors that include performance on past subgrant projects, performance as a CLG, the quality of the subgrant application, and the desirability of the proposed subgrant activities.

Appendix A: Professional Qualification Standards

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

- (A) **History.** The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:
 - (1) At least two 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
 - (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

- (B) **Archaeology.** The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:
 - (1) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
 - (2) At least four months of supervised field and analytic experience in general North American archaeology; and
 - (3) Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

- (C) **Architectural History.** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:
 - (1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

- (D) **Architecture.** The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture, or a state license to practice architecture.

- (E) **Historic Architecture.** The minimum professional qualifications in historic architecture are a professional degree in architecture or a state license to practice architecture, plus one of the following:
 - (1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
 - (2) At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.