

IDAHO  
CERTIFIED  
LOCAL  
GOVERNMENT  
PROGRAM

IDAHO STATE HISTORICAL SOCIETY  
STATE HISTORIC PRESERVATION OFFICE

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# Idaho Certified Local Government Program

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Idaho State Historical Society  
State Historic Preservation Office

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## STATEMENT OF PURPOSE

In 1980 an important amendment to the National Historic Preservation Act of 1966 brought about a significant change in the role that cities and counties play in the Nation's effort to preserve its heritage. Although local governments have been involved in the federal-state-local partnership that developed since the 1966 Act was passed, the 1980 Amendments gave local governments a specific, formal role in historic preservation. This new program, known as the Certified Local Government (CLG) program, significantly increased local interest in historic preservation. Subsequent amendments have made further refinements to the program. The National Historic Preservation Act as amended (16 U.S.C. 470 et. seq.) contains the current federal statutory requirements.

Two important benefits are gained by participating in the CLG Program: (1) Cities and counties formally participate in the nomination of properties to the National Register of Historic Places and, therefore, have more control over what properties are listed in the Register; and (2) Cities and counties are eligible for federal funds reserved exclusively for their use.

In implementing the Idaho CLG program, the Idaho State Historic Preservation Office (SHPO) is committed to a policy of encouraging as many communities as possible to participate in the program and providing a workable mechanism by which a wide range of historic preservation activities may be undertaken by local governments.

It is the purpose of the Idaho Certified Local Government (CLG) program to:

1. Provide for a greater degree of participation by local governments when properties are nominated to the National Register of Historic Places;
2. Ensure widespread participation by local governments in the pass-through subgrant program, thereby helping to fund a broad range of historic preservation projects important to local communities;
3. Support and improve surveys of local communities' historic, architectural, and archaeological resources;
4. Generate information about cultural resources and their importance in local planning and decision-making;
5. Encourage local participation in setting priorities for regional and statewide historic preservation planning; and,
6. Streamline the process for reviewing local project involving federal funds and requiring compliance with Section 106 of the National Historic Preservation Act, as amended.

The Idaho CLG program was developed after consulting with local governments, local

historic preservation commissions and historic societies, and other interested groups and individuals. Local preservation needs were analyzed and the capabilities of different types of local governments in Idaho were assessed. As a result, this program is designed to be as flexible as possible in order to allow for different capabilities, needs, and resources of Idaho's diverse communities. Simultaneously, it provides for an equitable and consistent approach to program management and is coordinated with Idaho's statewide comprehensive historic preservation planning process.

To outline the Idaho Certified Local Government program, this document is divided into two major sections: (SECTION I) Certification of Local Governments; and (SECTION II) Transfer of Funds to Certified Local Governments. Questions regarding the program should be addressed to:

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## Section I CERTIFICATION OF LOCAL GOVERNMENTS

### A. *WHO IS ELIGIBLE?*

Any general purpose political subdivision of the state, such as a county or incorporated city, which satisfies those requirements noted below is eligible to apply for certification. Unincorporated communities can participate in the program through their county governments. An Indian tribe may be certified and participate in the CLG program if the tribe effectively meets the definition of a local government in Section 301(3) of the National Historic Preservation Act.

Local governments that wish to participate must meet the following minimum requirements:

1. Establish by state law or local ordinance an adequate and qualified historic preservation review commission consisting of professional and lay members.
2. Conduct a survey and maintain an inventory of historic properties in the community.
3. Provide for adequate public participation in the historic preservation program, including the process for nominating properties to the National Register of Historic Places.
4. Encourage local historic preservation planning efforts.
5. Enforce appropriate state and local legislation for the designation and protection of historic properties.
6. Maintain a satisfactory ongoing performance of these duties.

## ***B. MINIMUM REQUIREMENTS.***

### ***1. Establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members.***

To qualify under this requirement, a local ordinance establishing the review commission must provide for the following elements. It should be noted that the following requirements satisfy both (a) state enabling legislation (Idaho Code 67-4601) and (b) National Park Service regulations for the CLG program.

#### **a. Commission membership**

(1) All commission members shall have a demonstrated interest, competence, or knowledge of historic preservation.

(2) The commission shall consist of at least five and not more than ten members appointed by the governing authority (city, county or tribe) with due regard to proper representation of such fields as history, architecture, urban planning, archaeology and law. To the extent that such expertise is available in the community, at least two members shall be professionals from the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, conservation, landscape architecture or folklore. Each certified government shall make a good-faith effort to locate and appoint such professionals. If the local government is unable to appoint professional members, it shall provide information to the State Historic Preservation Office how this effort was undertaken. A local government may be certified without the minimum number of professionals if it can demonstrate that it has made a reasonable effort to fill those positions.

(3) When the commission reviews a National Register nomination or considers other actions that will have an impact on historic properties for which the commission does not have expertise, the commission must solicit that expertise before rendering its decision. For example, if a property is nominated for its archaeological significance, the commission must seek advice and comments from a professional archaeologist if one does not sit on the commission. Additional expertise can often be obtained through private consultants, universities, private preservation organizations, regional planning and development organizations, and other sources. In cases where additional expertise is deemed necessary, commissions should contact the State Historic Preservation Office.

(4) Commission members shall serve terms not to exceed three years and will be eligible for reappointment as specified by the governing body.

(5) A representative of the commission shall attend at least one meeting each year for informational purposes sponsored by the State Historic Preservation Office (SHPO) or other source. The SHPO shall provide all local commissions with orientation materials and training

designed to provide a working knowledge of the roles and operations of federal, state, and local preservation programs. In addition, the SHPO will provide technical information through training manuals, publications, newsletter articles, and other appropriate means to distribute information useful to CLGs. SHPO staff may be contacted also for direct assistance.

b. Commission duties

Commission duties and responsibilities will be complemented by and coordinated with those of the State Historic Preservation Office. Under federal regulations, SHPO duties include directing and conducting statewide surveys, identifying and nominating properties to the National Register of Historic Places, preparing and implementing comprehensive statewide historic preservation planning, administering grants programs, providing public information and training, and assisting local, state and federal government agencies in carrying out various historic preservation responsibilities.

Therefore, in order to meet federal and state regulations, the local review commission will perform the following duties that coordinate with SHPO activities:

- (1) Participate in the nomination of properties within its jurisdiction to the National Register of Historic Places (See SECTION I. C. below).
- (2) Act as a liaison on behalf of the local government to individuals and organizations within its jurisdiction for historic preservation and related matters.
- (3) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources, and when appropriate, participate in local planning and decision-making.

Under Idaho Code 67-4601 a wide range of similar and additional activities, duties, and responsibilities are allowable to local commissions that choose to exercise them; however, these additional duties are not required for certification itself. Commissions are authorized to:

- (4) Conduct a survey of local historic properties.
- (5) Acquire fee and lesser interests in historic properties.
- (6) Preserve, restore, maintain, and operate historic properties under the ownership or control of the local government.
- (7) Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants in a way that will preserve the property.
- (8) With the approval of the local governing body, contract with the state or federal government or with any other organization.

- (9) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- (10) Participate in the conduct of land use, urban renewal and other planning processes undertaken by the county or city.
- (11) Recommend ordinances and otherwise provide information for the purposes of historic preservation to the county or city governing body.
- (12) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
- (13) Enter on private land, with the owner's permission, for the purposes of survey activities and examination.

Exact requirements and procedures for conducting the above activities can be found in the state legislation. Assistance is also available from the SHPO office. A model ordinance meeting the minimum CLG requirements is provided in ATTACHMENT C.

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

The local government shall establish and maintain a system to survey and identify cultural or historic resources (see definition in ATTACHMENT A) within its area of jurisdiction. It shall also maintain a local inventory of identified sites. Survey and inventory efforts shall meet SHPO standards.

The State Historic Preservation Office will provide local governments with guidelines for survey and inventory system to ensure compatibility with the State's comprehensive historic preservation planning process. The data produced under the system will be in a format that can be readily integrated into statewide comprehensive historic preservation planning and other appropriate planning processes. Local government survey and inventory efforts shall be coordinated with and complementary to those of the SHPO. Local survey data must be in a format that is consistent with the planning process noted above.

Inventory information will be:

- a. Compatible with the Idaho State Historic Sites Inventory and the Archaeological Survey of Idaho.
- b. Entered into the State's Inventory by the SHPO.
- c. Available to the public (except if the release of information would cause a significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners as provided for under Section 304 Confidentiality of the location of sensitive historic resources (16 U.S.C. 470) and Idaho Code Section 9,

Chapter 340 Records exempt from disclosure.

d. Updated periodically.

e. Readily retrievable and, therefore, readily integrated into statewide comprehensive historic preservation planning and other appropriate planning processes. Physically, the information must be in a safe and secure location.

Workshops for groups initiating or expanding a historic survey and inventory system will be available through the State Historic Preservation Office.

***3. Provide for adequate public participation in the historic preservation program, including the process or recommending properties to the National Register of Historic Places.***

a. There shall be a public announcement of all meetings of the historic preservation commission; they shall be open to the public and follow the requirements of Idaho's open meeting laws (Idaho Code 67-2340-2347).

b. Written minutes shall be kept of all meetings and be available for public inspection. A copy of all minutes shall be forwarded to the State Historic Preservation Office.

c. All decisions by the commission shall be made in a public forum except for those associated with sensitive historic resources as identified by Section 304 of the National Historic Preservation Act. Owners of properties nominated to the National Register shall be given written notification of the commission's decisions.

d. Commission procedures and bylaws shall be available for public inspection.

e. Each National Register nomination report submitted by the Certified Local Government to the State Historic Preservation Office shall include assurances of public participation. See SECTION C below for more details.

***4. Encourage local historic preservation planning.***

The general policy of the State Historic Preservation Office states that long-term planning for historic preservation issues is essential for the most efficient use of limited resources.

This requirement may be met in a variety of ways. For example, a survey and inventory of existing historic and prehistoric resources (see Minimum Requirement 2) serves as a critical base of information on which to decide future options for the community at large. Counties and larger cities may find it advantageous to develop and implement an overall preservation plan that outlines goals and objectives for identifying, evaluating, and protecting resources deemed

important to the locale. Such an approach can help integrate local history issues with general community planning policies. SHPO can work with a local government to design a system that meets federal statutory definitions of designation and protection.

At a minimum, local governments will want to develop methods for considering cultural resources in local decision-making. For example, the local preservation commission may be given a formal advisory role in planning and zoning issues, designate and provide protection for historic properties, participate in building permit processing, and consult with other local governmental agencies in economic development and tourism issues.

The Idaho Local Planning Act of 1975 (Idaho Code 67-6501) requires that local governments' comprehensive planning must include a component for "Special Areas of Sites." Specifically, there must be an analysis of areas, sites, or structures of historical, archaeological, or architectural significance within the jurisdiction of the governing board.

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

Federal regulations allow each state to define what constitutes "appropriate legislation". The Idaho program identifies three primary state laws which local governments must enforce as applicable. Brief summaries of these and other state laws are found in ATTACHMENT B.

a. Local Planning Act of 1975 (IC 67-6501).

Local governments must consider "special areas or sites", to include historic, architectural, and archaeological properties, in their overall comprehensive planning process. By this means, cultural resources will be formally brought into the planning and decision-making process, and afforded some protection through this process.

b. Preservation of Historic Sites (IC 67-4601).

This state law authorizes city and county governments to establish a local historic preservation commission and other ordinances for the designation and protection of historic properties within its jurisdiction through a design review process. (See Minimum Requirement 1 above.). Although such a specific protective ordinance is not necessary to meet certification, governments are permitted

c. Antiquities Act of 1984 (IC 18-7027, IC 27-501).

This state law prohibits the disturbance of prehistoric human burials, or the possession of human remains or artifacts removed from a burial, unless the excavation is conducted by a qualified archaeologist with the prior approval of the State Historical Society and the appropriate Indian tribe.

d. Other relevant laws.

ATTACHMENT B to this document provides a summary of current state laws effecting historic preservation and related issues. Assistance and technical advice for incorporating these or other provisions in the local ordinance may be obtained from the State Historic Preservation Office.

***6. Satisfactorily perform the responsibilities delegated to it under federal statute.***

The State Historic Preservation Office will monitor and evaluate the performance of Certified Local Governments. Performance standards and criteria used for evaluating local programs will be provided to participating governments during SHPO training sessions and directly to CLGs as they establish and develop their individual programs. These standards and criteria will be reviewed periodically to ensure they accommodate changing state and local needs and priorities, as well as federal requirements. The SHPO shall ensure that CLG performance of its responsibilities is consistent and coordinated with the identification, evaluation, and preservation priorities of the State comprehensive historic preservation planning process.

a. Monitoring.

Monitoring of CLGs by the State Historic Preservation Office will be on a continuous basis by reviewing commission meeting minutes, subgrant activity reports (if applicable), survey and inventory information submitted to the State, National Register nomination comments, and other appropriate documents as needed.

b. Program evaluation.

At least once every four years, the Idaho State Historic Preservation Office will conduct an evaluation of the CLG.

The SHPO will maintain written records of each CLG evaluation so that results are available to the National Park Service (Department of the Interior). Copies of all evaluations will be sent to the appropriate local government official.

CLG program evaluations will include general program operations and administration; qualifications of Commission members and staff if applicable; and administration and financial management of CLG pass-through subgrants, if applicable. Other performance evaluation factors are outlined in the evaluation document distributed by this office.

Substandard performance may be reflected by failure to enforce local or appropriate state legislation, failure to maintain an adequate and qualified commission, failure to submit reports on National Register nominations within a CLG's jurisdiction, improper use of pass-through subgrant funding, failure to complete subgrant projects, or failure of the project to produce measurable results, or failure to otherwise meet the requirements specified in the Certification Agreement.

If a CLG's performance is determined to be inadequate, the SHPO will provide advice and assistance and will suggest ways to meet the performance standards. A stipulated period of time, generally not to exceed one year, will be allowed to improve that performance. If the State determines that there has not been sufficient improvement or that the local government does not have an adequate plan in place to meet the minimum requirements to participate in the CLG program, the State may begin decertification procedures as outlined below.

c. Decertification.

If the SHPO determines that decertification is warranted, such a recommendation will be sent to the Secretary of the Interior, through the National Park Service. This recommendation shall cite the specific reasons why decertification is proposed under federal regulations. If the Secretary does not object within 30 working days of receipt, the decertification shall be considered approved by the Secretary.

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 with the SHPO's request to the National Park Service.

When a local government is decertified, the State will conduct financial closeout procedures if that government is a current recipient of a pass-through subgrant. At the option of the SHPO and in consultation with the local government, the subgrant may be terminated immediately or the local government may complete the project although it no longer is certified. The decertified government will not be eligible for future funding under the CLG program unless it is reinstated in the program.

### *C. CLG PARTICIPATION IN THE NATIONAL REGISTER NOMINATION PROCESS.*

Under Idaho's Certified Local Government program, participating cities and counties will have a greater degree of local control and direct input into the National Register nomination process than non-participating local governments.

1. Before a property within the jurisdiction of the CLG may be submitted to the Secretary of the Interior for inclusion in the National Register of Historic Places, the State Historic Preservation Officer shall notify (1) the owner, (2) the chief local elected official, and (3) the local historic preservation commission.

That local commission shall allow for public comment and prepare a written report stating why the property meets or does not meet the criteria for listing in the National Register of Historic Places.

Within sixty (60) days of notice from the State Historic Preservation Officer that a property within a CLG's jurisdiction is being considered for nomination, the chief local elected official shall transmit the commission's report and his/her recommendation to the SHPO.

Upon receipt of such report and recommendation, or if no such report and recommendation are received within sixty (60) days.

With the concurrence of the Certified Local Government, the State may expedite such process.

2. If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty (30) days of the receipt of such recommendation by the SHPO an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to Section 101(a) of the National Historic Preservation Act. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary of the Interior.

#### ***D. APPLICATION PROCESS TO BECOME A CERTIFIED LOCAL GOVERNMENT.***

The chief elected official of the local government may request certification from Idaho's State Historic Preservation Office. The request for certification shall be made on the CLG application forms provided (see ATTACHMENT D) and includes the following:

1. A signed *Request for Certification/Letter of Assurance*;
2. A copy of the adopted *local ordinance* establishing a local historic preservation commission;
3. *Historic Preservation Commission Members* list with resumes;
4. Two copies of the *Certification Agreement* signed by the chief local elected official;
5. Supplemental information to support the application.

SHPO may delegate additional responsibilities to individual CLGS beyond those stated in the standard Certification Agreement. However, delegations shall not include:

1. The SHPO's statewide coordinating responsibilities derived from the Act as outlined in 36 CFR 61.4(b);
2. Responsibilities that are specified by law or regulation to be conducted in whole or in part at the State level;
3. Federal Preservation Tax Incentive Certifications;
4. SHPO responsibilities under the regulations of the Advisory Council on Historic Preservation may be delegated only by agreement pursuant to 36 CFR 800.

All applications will be reviewed by the State Historic Preservation Officer. Local governments will be notified of any omission or changes needed. Upon receipt of an adequately documented application, the SHPO will approve or disapprove the request and notify the government of its decision within 30 days. If disapproved, SHPO will instruct the local government of deficiencies in the application materials.

Once a local government application is approved, the SHPO will forward to the Secretary of the Interior a request for concurrence which will include a copy of the signed Certification Agreement and an internal checklist signed by SHPO or designee.

If the Secretary does not take exception to certification within fifteen (15) working days of receipt, the local government shall be designated as a Certified Local Government under this

program. If the request for concurrence cannot be affirmed as submitted, the National Park Service (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 request for concurrence to be approved.

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. 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.

When a local government is certified , it shall have jurisdiction regarding these procedures. When a city becomes a Certified Local Government within a county that is also a CLG, the city shall have jurisdiction within its boundaries (or adopted areas of impact as provided by law).

## Section II TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

### *A. GENERAL SUBGRANT INFORMATION.*

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.) provides that at least 10 percent of Idaho's annual Historic Preservation Fund (HPF) allocation from the National Park Service, Department of the Interior shall be designated for transfer to Certified Local Governments.

Should the total annual NPS grant appropriations to the states exceed \$65 million in any one year, then one-half of each state's share of the excess revenues shall also be transferred to CLGs according to procedures approved by the Secretary of the Interior.

Certified Local Governments receiving HPF grants from the Idaho SHPO shall be considered subgrantees of the State.

Certified Local Government status does not entitle a CLG to receive funds automatically. Idaho's SHPO may not be able to award funds to all governments that are eligible.

All Idaho's CLG subgrants should provide a local matching 50% share of the total project cost. CLGs may not apply subgranted HPF monies as matching share for any other federal grant.

## ***B. MINIMUM REQUIREMENTS.***

To be eligible to receive funds from the state's minimum 10 percent CLG reserve, all Certified Local Government must meet three minimum requirements: A. Maintain adequate financial management system; B. Follow all requirements of the Historic Preservation Fund Grants Manual, and; C. Follow any requirements mandated by Congress regarding the use of such funds.

### **1. Maintain adequate financial management system.**

Local financial management systems shall be auditable in accordance with the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions. The Idaho SHPO is responsible, through financial audit, for the proper accounting of CLG share monies in accordance with OMB Circular A-133, "Audit Requirements." Any federal funds expended without proper accounting records must be returned, and reimbursement of grant expenses is made only after auditable accounts are filed for payment of National Park Service funds.

Local financial management systems shall be in accordance with the standards specified in OMB Circular A-102, Attachment G, "Standards for Grantee Financial Management Systems."

State evaluations of CLG performance (See SECTION I. B. 6) include an assessment of the fiscal management of National Park Service funds.

### **2. Adhere to all requirements of the Historic Preservation Fund Grants manual.**

The Historic Preservation Fund Grants manual sets forth administrative procedures and policies for grants awarded by the Secretary of the Interior. It serves as a basic reference for state management of National Park Service grants. All grant agreements entered into with Certified Local Governments must conform to the manual requirements. The State Historic Preservation Office shall ensure that the grant agreements between the SHPO and the CLG are in conformance. A copy of the manual is available for reference at the state office.

### **3. Adhere to any requirements mandated by Congress regarding the use of such funds.**

Idaho's State Historic Preservation Office shall notify Certified Local Governments of any directives contained in annual appropriations laws that relate to National Park Service State grants that apply to local governments receiving a share of these grants.

### *C. WHAT TYPES OF PROJECTS CAN BE FUNDED?*

In general, eligible projects involve activities furthering the goals of cultural resource protection, including identification, evaluation, registration.

Typical projects would include surveys of local resources; evaluation and recognition of local historic properties; the development of a comprehensive community historic preservation plan; publications and lectures regarding historic preservation issues; development of design guidelines for building owners; and organizing photo collections relation to National Register eligible properties.

The State Historic Preservation Office is prepared to assist CLGS in identifying needs and in developing acceptable projects to address those needs.

***D. ALLOCATION AND SELECTION FACTORS FOR PASS-THROUGH SUBGRANTS.***

It is the intent of the Idaho State Historic Preservation Office that every reasonable effort be made to distribute CLG-designated funds among as many eligible governments as possible. This intent shall ensure a reasonable distribution between urban and rural areas. No Certified Local Government may receive a disproportionate share of Idaho’s annual allocation.

Pass-through subgrants must be sufficient to produce a specific impact, documented by tangible results. Awarding a grant to a CLG during one fiscal year will not entitle the CLG to automatic continuation of the grant the following year. Additionally, selection of an applicant one year will not prejudice that CLG’s right to apply for a grant the following year.

Each CLG will receive a grant of \$2,000 minimum as long as sufficient federal funds are available and the project or projects are eligible for such funding. After the minimum allocation of \$2,000 is awarded, funding will be distributed according to the following allocation (Minimum grant plus population factor equals Basic Program Allocation or BPA):

CATEGORY	POPULATION	MINIMUM	POPULATION FACTOR	BPA
1	Under 3,000	\$2,000	\$0	\$2,000
2	3,001 - 10,000	\$2,000	\$500	2,500
3	10,001 - 40,000	\$2,000	\$1,000	3,000
4	over 40,001	\$2,000	\$1,500	3,500

If sufficient funds are not available to meet the Population Factor for each CLG, the percentage of funds allocated under that category will be reduced proportionately for each CLG.

After providing for basic program awards, and when funds are still available in the minimum CLG pass-through fund reserve, each eligible applicant will be awarded additional monies by dividing the balance among those CLGs who have the capacity to match additional grant funds beyond the BPA find those subgrant proposals has asked for additional money. Unawarded BPA funds, or funds left over from CLGs who do not wish to receive their entire BPA allotment, will become part of the fund and allocated accordingly.

Excess funds will be allocated according to the population ratio of the formula with each local government receiving one point for each population category. For example, a CLG in Category 3 would receive three points. The points represented by each eligible CLG requesting more than the Basic Program Allocation will be divided by the amount available to determine the dollar value of each point and then multiplied by the number of points each CLG is entitled to for its respective category. For example, if the remaining g balance after all BPA grant shave

been awarded is \$10,000 and five local governments applied for money above their minimum grant, the results would be as follows:

CLG	POPULATION	POINTS
A	950	1
B	2,300	1
C	7,000	2
D	48,000	4
E	69,500	4
Total points		12

$$\$10,000 \div 12 \text{ points} = \$833/\text{point}$$

- 1 point = \$833
- 2 points = \$1,666
- 3 points = \$2,500
- 4 points = \$3,332

The individual CLGs would then receive the following amounts beyond their Basic Program Allocation:

CLG	BPA	+ AWARD	= TOTAL
A	\$2,000	\$ 833	\$2,833
B	\$2,000	\$ 833	\$2,833
C	\$2,500	\$1,666	\$4,166
D	\$3,500	\$3,332	\$6,832
E	\$3,500	\$3,332	\$6,832

In the allocation formula used for subgrants to CLGs, the population of a certified city will be subtracted from the population of the county in which it is located if the county, too, is certified. In other words, counties will receive subgrants based only on the population not covered under other certified local governments within its boundaries.

To receive HPC funding, the CLG must submit a subgrant application that proposes eligible activities producing a tangible product for a reasonable cost.

*E. APPLICATION PROCESS FOR CLG SUBGRANTS.*

Certified Local Governments interested in CLG transfer monies shall submit a standard Idaho Historic Preservation Grant Application form to the State Historic Preservation Office. The SHPO Grants manager will provide detailed assistance in completing the forms if necessary. Applications and instructions are available on request.

## Attachment A DEFINITIONS

**Certified Local Government (CLG)** – a local government whose local historic preservation program has been certified pursuant to Section 101(c) of the National Historic Preservation Act, as amended (16 U.S.C. 470 et.seq.).

**Chief local elected official** – the elected head of a local government.

**CLG share** – the Historic Preservation Fund grant funds that are transferred to Certified Local Governments in accordance with Section 103(c) of the National Historic Preserve Act.

**Comprehensive statewide historic preservation plan** – required by the Historic Preservation Act, the Comprehensive Statewide Historic Preservation Plan is a major tangible product of the State’s historic preservation Planning Process. The State Plan is a document that articulates a vision of the future for historic preservation across the State and identifies goals and strategies for achieving them in the future. The State Plan is a tool for the SHPO and others throughout the State for guiding effective decision-making on a general level, for coordinating Statewide preservation activities, and for communicating Statewide preservation policy, goals, and values to the preservation constituency, decision-makers, and interested and affected parties across the state.

**Comprehensive historic preservation planning** – an ongoing process for resource management that is consistent with technical standards issued by the Department of the Interior that produces reliable, understandable, and up-to-date information of decision-making related to the identification, evaluation, and protection/treatment of historic resources.

**Historic Preservation Fund (HPF)** – the source from which monies are appropriated to fund the program of matching grants-in-aid to the States and CLGs for carrying out the purposes of the Act, as authorized by Section 108 of the National Historic Preservation Act.

**Historic Preservation Fund Grants manual** – the manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally related historic preservation programs for states and local governments. This manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid program.

**Historic Preservation Commission** – a board, council, commission, or other similar body which is established by State or local legislation as provided in Section 101(c)(1)(B) of the Act, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among:

- a.) Professionals in the disciplines of architecture, history, architecture history, planning,

prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture of related disciplines, to the extent such professionals are available in the community concerned, and

b.) Such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

**Historic property, historic resource, cultural resource** – any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource.

**Local Government** – a county, city, municipality, or village, or any other general-purpose political subdivision of any state.

**National Register of Historic Places** – the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.).

**Secretary's Standards and Guidelines** – the Secretary of the Interior's Standards and Guidelines for Archaeological and Historic Preservation, provide technical information about archaeological and historic preservation activities and methods, including preservation planning, identification, evaluation, registration, historic research and documentation, architectural and engineering documentation, archaeological investigation, treatment of historic properties, professional qualifications, and preservation terminology.

**State Historic Preservation Officer (SHPO)** – the official designated and appointed by the Governor to administer the state historic preservation program.

**Subgrantee** – the agency, institution, organization or individual to which a subgrant is made by the state and is accountable to the state for use of the fund.

## Attachment B STATE LEGISLATION

The following is a brief summary of Idaho legislation affecting historic preservation and related issues. All references are to Idaho Code.

### **Title 67 - STATE GOVERNMENT AND STATE AFFAIRS**

#### *Chapter 23. Miscellaneous Provisions.*

Idaho Open Public Meeting laws. Requirement of open meetings for formulation of public policy; public notice; written minutes; authorization and requirements of executive sessions. Violations.

#### *Chapter 41. State Historical Society.*

Preservation of historical sites and monuments; penalties; protection of archaeological and vertebrate paleontological sites and resources; permits for excavation; regulations; penalties; State Historical Society, board of trustees; qualifications, powers, duties.

#### *Chapter 46. Preservation of Historic Sites.*

Enables local governments to establish historic preservation commissions; powers and duties of commissions; establishing local historic districts; require certificates of appropriateness; owner notification; appeal procedures; historic easements; historic property designation; changes in use; penalties; transfer of development rights.

#### *Chapter 65. Local Land Use Planning.*

In developing comprehensive plan, local planning and zoning commission must analyze and consider Special Areas or Sites (historical, archaeological, architectural, etc.).

### **Title 39 - HEALTH AND SAFETY**

#### *Chapter 41. Adoption of Codes.*

Uniform Building Code and Uniform Code for Building Conservation addresses treatment of historic buildings; discretion of local building inspector.

## **Title 18 - CRIMES AND PUNISHMENTS**

### *Chapter 70. Trespass and Malicious Injury to Property.*

Willful injury of monument, landmark, historic structure. Desecration of grave, place of burial is a misdemeanor. Unlawful removal of human remains with malice or intent to sell is a felony.

## **Title 27 - CEMETERIES AND CREMATORIALS**

### *Chapter 5. Protection of Graves.*

Illegal possession of human remains; public display or exhibit of human remains; sale of remains taken from a casket or grave. Provides for reinterment; participation of appropriate Indian tribe, professional archaeologist, state historical society. In addition to criminal prosecution, provides for civil action.

## **Title 31 - COUNTIES AND COUNTY LAW**

### *Chapter 8. Powers and Duties of Board of Commissioners.*

Provides for real property donated by county to local historical society to revert to county if original purpose of donation is no longer in effect.

Authorizes and limits annual expenditures to Idaho nonprofit local historical societies. Empowers county commissioners to levy tax to support.

## **Title 36 - FISH AND GAME**

### *Chapter 16. Recreational Trespass.*

Limitation of liability of landowner. Defines viewing or enjoying historical, archaeological, scenic, or scientific sites as a "recreational purpose"; limits landowner's liability; purpose to encourage landowners to make areas available to public without charge.

## Attachment C MODEL ORDINANCE

The following model ordinance is for your general guidance and use to qualify under the Idaho Certified Local Government program. Please take note of the following comments regarding this model:

1. This model assumes the government will be a city. Counties should ensure appropriate wording changes are made (for example, “Board of Commissioners” rather than “Council”).
2. This model is based on a combination of Idaho Code enabling legislation (IC 67-4601 to 4619) and the general requirements of the National Park Service (16 U.S.C. 470 et.seq.). Individual elements (such as number of Commission members) may differ from one government to another. Check with SHPO to ensure your proposed ordinance or variations will qualify.
3. Local governments are responsible for following Idaho Code regarding the enactment of this ordinance. Check with the city or county clerk, city or county attorney, and other appropriate offices for the number of readings required, publication and advance public notice.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE CITY OF \_\_\_\_\_, A MUNICIPAL CORPORATION OF IDAHO, TO BE KNOWN AS CHAPTER \_\_\_\_\_, "HISTORIC PRESERVATION CODE"; PROVIDING FOR THE ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR DUTIES AND FUNDING FOR THE SAID COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Chapter 46 of Title 67 of the Idaho Code empowers cities to make provisions for the identification and preservation of historic sites; and,

WHEREAS, the City Council of the city of \_\_\_\_\_ deems it in the best interest of the community to establish a historic preservation ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF \_\_\_\_\_ THAT A NEW CHAPTER BE, AND THE SAME HEREBY IS, ENACTED TO BE DESIGNATED AS CHAPTER \_\_\_\_\_, THE HISTORIC PRESERVATION CODE, OF THE ORDINANCES OF THE CITY OF \_\_\_\_\_, WHICH SHALL READ AS FOLLOWS:

**SECTION I** PURPOSE:

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public of the City of \_\_\_\_\_ through identification, evaluation, designation, and protection of those buildings, sites, districts, areas, structures, and objects that reflect significant elements of the City's, the State's, and the Nation's historic, architectural, archaeological, and cultural heritage.

**SECTION II** DEFINITIONS:

The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the following meanings:

*City.* The City of \_\_\_\_\_.

*Commission.* The Historic Preservation Commission of the City of \_\_\_\_\_.

*Historic Property.* Any building, structure, district, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation.

*Designated Historic Property.* In order for any historic property to be designated in the ordinance, it must in addition meet the criteria established for inclusion of the property in the National Register of Historic Places.

*Historic Preservation.* The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the Nation.

**SECTION III** HISTORIC PRESERVATION COMMISSION:

(1) There is hereby created a Historic Preservation Commission which shall consist of five members who shall be appointed by the Mayor with the advice and consent of the Council.

(2) All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.

(3) Initial appointments to the Commission shall be made as follows: One (1) one-year term; two (2) two-year terms; two (2) three-year terms. All subsequent appointment shall be made for three-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.

(4) The members of the Commission may be reimbursed by the City for expenses incurred in connection with their duties.

**SECTION IV** ORGANIZATION, OFFICERS, RULES, MEETINGS:

(1) The Commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this Ordinance. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.

(2) The commission shall elect officers from among the Commission members. The chairperson shall preside at meetings of the Commission. The vice-chairperson shall, lacking the chairperson, perform the duties of the chairperson.

(3) All meetings of the Commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

(4) The Commission may recommend to the Council, withing the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the Commission.

**SECTION V**

**POWERS, DUTIES, AND RESPONSIBILITIES:**

The Commission shall be advisory to the Council and shall be authorized to:

- (1) Conduct a survey of local historic properties.
- (2) Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.
- (3) Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City.
- (4) Recommend the lease, sale, or other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- (5) Contract, with the approval of the Council, with the state or federal government, or any agency of either, or with any other organization.
- (6) Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.
- (7) Make recommendations in the planning processes undertaken by the county, the city, the state, or the federal government and the agencies of these entities.
- (8) Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City.
- (9) Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City.
- (10) Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.
- (11) Review nominations of properties to the National Register of Historic Places for properties withing the City's jurisdiction.

**SECTION VI**            SPECIAL RESTRICTIONS:

Under the provisions of Idaho Code 67-4612, the City of \_\_\_\_\_ may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of locally designated historic properties.

**SECTION VII**            SEPARABILITY:

If any section, subsection, sentence, clause or phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION VIII**            EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of \_\_\_\_\_, a municipal corporation of the State of Idaho.

BY: \_\_\_\_\_  
Mayor

ATTESTED: \_\_\_\_\_  
City Clerk

PUBLISHED: \_\_\_\_\_

Attachment D  
**APPLICATION FORMS**

*CHECKLIST*

- \_\_\_\_\_ 1. One copy of *Signed Request for Certification/Letter of Assurance* signed by the chief local elected official.
- \_\_\_\_\_ 2. One copy of *local ordinance* establishing the local historic preservation commission (HPC).
- \_\_\_\_\_ 3. One copy of *HPC Members List* and resumes of each commission member.
- \_\_\_\_\_ 4. **Two** copies of *Certification Agreement* each signed by the chief local elected official.
- \_\_\_\_\_ 5. Supplemental information. One copy each of all local ordinances, preservation plans, resolutions, and summary of survey program (outlining past, present, a proposed survey efforts) already in place which deal with historic preservation issues.

**This Application is not complete until all required information is submitted.**

*REQUEST FOR CERTIFICATION/  
LETTER OF ASSURANCE*

(Date) \_\_\_\_\_

TO: State Historic Preservation Officer  
Idaho State Historical Society  
210 Main St.  
Boise, ID 83702

Dear Sir:

The [City or County] of \_\_\_\_\_ requests that it become a Certified Local Government under the provisions of the National Historic Preservation Act of 1980.

As the fully constituted chief local elected official of the local government, I understand that it will be necessary for the local government to fulfill minimum standards for certification.

Enclosed are the completed CLG Application Checklist and all required supporting materials.

Sincerely,

Mayor, City of \_\_\_\_\_

# *HISTORIC PRESERVATION COMMISSION MEMBERS*

City or County: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title	Address/Phone/E-mail	Expiration of Term	SHPO use PROFESSIONAL

**Local Government Contact**

Name and Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
E-Mail/FAX: \_\_\_\_\_

**Professional Representation**

Describe the “reasonable effort” made to solicit participation of two preservation professionals as defined by 36 CFR 61.6:

**Professional Review**

Describe how expertise in a particular discipline will be secured when not represented by the commission membership (i.e., How will the HPC commission review a National Register nomination for an archaeological site when an archaeologist is not on the commission?):

Consult with SHPO to identify staff or other professional in the area with expertise in the field and willing to assist the local commission.

# *CERTIFICATION AGREEMENT*

Pursuant to the provisions of National Historic Preservation Act, as amended, to applicable federal regulations (16 U.S.C. 470 et. seq.), and to Idaho Certified Local Government Program and Historic Preservation Fund Grants Manual, \_\_\_\_\_ agrees to:

- 1.) Enforce appropriate legislation for the designation and protection of historic properties;
- 2.) Maintain and adequate and qualified historic preservation review commission composed of professional and lay members and established by state or local law;
- 3.) Maintain a system for the survey and inventory of historic properties;
- 4.) Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register;
- 5.) Encourage local historic preservation planning;
- 6.) Adhere to all federal requirements for the Certified Local Government program, and
- 7.) Adhere to requirements outlined in the State of Idaho Certified Local Government Program issued by the Idaho State Historic Preservation Office, Idaho State Historical Society.

Upon its designation as a Certified Local Government, \_\_\_\_\_ shall be eligible for all rights and privileges of a Certified Local Government (CLG) specified in the Act, Federal procedures, and procedures of Idaho. These rights include eligibility to apply for available CLG grant funds in competition only with other certified local governments.

## **STATE**

## **LOCAL GOVERNMENT**

\_\_\_\_\_  
SHPO or Designee

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## *SUPPLEMENTAL INFORMATION*

Must include:

- A. A copy of the ordinance establishing the historic preservation commission
- B. Summary of local survey program, methodology, past, present and anticipated future efforts.

May include:

- A. A copy of the local historic preservation plan.
- B. Other ordinances, resolutions, etc., regarding historic preservation issues that are already in place.

# *RÉSUMÉ*

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Each Commission member must complete the following form (or substitute professional résumé, Curriculum Vita, or equivalent):

COMMISSION MEMBER: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/E-Mail/Fax: \_\_\_\_\_

EDUCATION (identify major field of study):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CURRENT EMPLOYMENT: \_\_\_\_\_

BACKGROUND in history, historic preservation, or related fields (showing a demonstrated interest, competence, or knowledge in historic preservation):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_