

**Revised October, 2000**

**GUIDELINES FOR IMPLEMENTATION  
OF CERTIFIED LOCAL GOVERNMENT  
PROGRAMS IN MASSACHUSETTS**

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## **I. INTRODUCTION**

The Certified Local Government Program is a federal, state and local government historic preservation partnership. The National Historic Preservation Act, as amended, (16 U.S.C. 470 et seq) is the federal statutory basis for the Certified Local Government Program.

The National Historic Preservation Act Amendments of 1980 initially authorized the creation of the Certified Local Government program, and 1992 amendments modified the requirements for the Certified Local Government Program. The purpose of this program is to provide for greater community participation in federal and state historic preservation programs. The Massachusetts Historical Commission administers this program, along with the U.S. Secretary of the Interior, and is responsible for the certification of local governments wishing to participate.

To become certified, a local government must demonstrate that it meets basic program requirements. This includes the establishment of a local historic preservation law, the appointment of a qualified historic preservation commission, the initiation or continuation of a program for the survey and inventory of local historic resources, and to provide for public participation in local historic preservation programs.

Certification offers local governments:

1. Eligibility to apply for a portion of the State's allocation of the Historic Preservation Fund (HPF), specifically earmarked for certified local governments.
2. A stronger role in the process of nominating properties to the National Register of Historic Places.
3. The opportunity for increased technical assistance from the Massachusetts Historical Commission, including training workshops specifically targeted to certified local governments.
4. Official acknowledgement of the local government's commitment to historic preservation.

## **II. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENT PROGRAMS**

The federal law (National Historic Preservation Act, as amended) which established the certified local government program contains five broad standards, all of which must be met before the local government may be certified. The federal standards, where appropriate, are further defined and amplified below.

- A. Local government shall "enforce appropriate state or local legislation for the designation and protection of historic properties."
  1. The purpose of the local historic preservation law shall be clearly stated and should be substantially similar to the language of the purpose clause of the State enabling legislation, Historic Districts Act (Chapter 40C, Section 2) or the home rule landmark ordinances in Boston or Cambridge.
  2. The law shall meet the federal statutory definition for designation and protection.
  3. The process and criteria for district and/or landmark designation shall be in accordance with State enabling legislation (MGL Ch. 40C), or the provisions of home rule landmark ordinance or

by law.

4. The law shall establish a commission which shall have the authority to review and render a decision upon all proposed alterations, relocations, demolition or new construction within the boundaries designated by the law or which affects individual landmarks.

5. The criteria upon which a commission reviews proposals for alteration, new construction, and demolition shall be clearly set forth in the law and should be substantially similar to the language of the criteria clause of Chapter 40C, Section 7.

6. Decisions of the commission shall set forth the basis for decisions and shall be binding. Provision for enforcing decisions and a right to appeal must exist in the historic preservation or zoning laws.

7. The historic preservation law shall contain specific time limits within which the commission and the applicant shall act.

B. Local government shall "have established an adequate and qualified historic preservation review commission by State or local legislation."

1. Each certified local government shall have a commission with a minimum of five (5) members (except that those communities with less than approximately 5,000 population may have as few as three members of the commission).

2. All commission members shall have demonstrated special interest, competence, or knowledge in historic preservation. To the extent available in the community, members of the certified local government commission shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, conservation, landscape architecture or related disciplines. The local government must be able to demonstrate that a reasonable effort has been made to appoint qualified professionals from these disciplines. Other historic preservation related disciplines such as american studies, american civilization, or cultural geography are desirable for commission membership as well.

When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nominations and other actions involving properties normally requiring evaluation by such a professional. When considering archaeological sites, Commissions may seek the assistance of the State Archaeologist.

3. The local appointing authority shall act within 60 days to fill vacancies with qualified persons. Notification of vacancies and the reasonable effort made to fill them shall be documented and available for MHC review.

4. In communities where separate historic district and local historical commissions exist, a memorandum of understanding shall be developed between the two commissions and in consultation with the MHC. That memorandum will identify the areas of activity to be delegated to each commission. Generally, the local historic district commission will continue to be responsible for the enforcement of local preservation legislation; the local historical commission will continue to administer matters relating to the National Register, and will be

responsible for implementing the comprehensive community-wide survey. Together, the Historical Commission and the Historic District Commission shall constitute the Certified Local Government Commission (CLGC).

5. The Commission shall participate in the Massachusetts National Register Program in accordance with Section VI of the Guidelines.
  6. The State Historic Preservation Officer, (SHPO) at his/her discretion and by mutual written agreement with the certified local government, may delegate further responsibilities to the certified local government commission.
  7. The certified local government shall participate in MHC training sessions designed to provide a working knowledge of the roles and operations of federal, state and local preservation programs.
  8. Responsibilities of certified local government commissions shall be complementary to and coordinated with those of the SHPO as enumerated in the National Historic Preservation Act of 1966 as amended, and in state and federal preservation standards, guidelines, and regulations.
- C. The local government "maintains a system for the survey and inventory of historic properties."
1. The certified local government commission shall begin or continue an MHC approved process to identify pre-historic and historic properties within the boundaries of the community.
  2. All inventory material shall be:
    - a. Compatible with the Massachusetts Inventory of Historic and Prehistoric Assets.
    - b. Accessible to the public, except that access to archaeological site locations shall be restricted.
    - c. Updated periodically.
    - d. Available to the public through duplicates at the MHC office.
    - e. Integrated with statewide comprehensive preservation planning.
    - f. Located in a secure place.
- D. Local governments shall "provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register."
1. All meetings of the certified local government commission shall adhere to the Open Meeting Law and encourage public reaction and comment on all activities. Commission meetings must occur at regular intervals at least four times a year or as needed to uphold official business.

2. Careful minutes of all actions of the certified local government commission including the reasons for making these decisions must be kept on file and available for public inspection.
  3. All decisions by the certified local government commission shall be made in a public forum and applicants shall be given written notification of decisions by the commission.
- E. Local governments shall "satisfactorily perform the responsibilities listed in points A-D above and those specifically delegated to it under the Act by the Massachusetts State Historic Preservation Officer," in accordance with the standards outlined in Appendix C.

### **III. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS**

- A. The chief elected official of the local government shall request certification from the Massachusetts Historical Commission. The request for certification shall consist of:

The completed Certified Local Government Application (see Appendix A: CLG Application), including the Assurances form signed by the chief elected official of the local government, the legal instrument creating the commission and all other materials requested in the application form.

- B. The MHC will review the application to ensure that the local government meets the minimum requirements for certification.
- C. Within 45 calendar days of receipt of an adequately documented request, the MHC shall notify the chief local elected official as to whether or not the local government meets the requirements for certification. For any application not approved, the MHC will indicate why the local government does not meet the certification requirements. If the application is approved, the MHC will prepare a written certification agreement which specifies the duties delegated to the local government and transmit it to the local government for signature.
- D. The MHC shall notify the National Park Service of a request for certification with a copy of the signed certification agreement between the local government and the MHC and a signed review checklist. The effective date of certification is the date of NPS concurrence.
- E. Certification Agreements may be amended upon concurrence of the Massachusetts Historical Commission and the National Park Service.

### **IV. PROCESS FOR MONITORING, EVALUATION AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS**

- A. The MHC shall conduct ongoing monitoring of certified local governments to assure that each government continues to meet the requirements for certification and is satisfactorily performing its responsibilities. To facilitate this monitoring an annual report outlining the activities of the certified local government shall be submitted to the MHC for review. Annual reports shall include, but are not limited to, information relating to the enforcement of local preservation legislation; commission membership; survey activities; and participation in the National Register program. Specific requirements for the annual report are provided in Appendix B: Annual Report Outline.
- B. In addition to reviewing the annual reports submitted by certified local governments, the MHC shall conduct a formal evaluation of each certified local government's performance once every three (3) years. Information provided in annual reports shall form the basis of this evaluation, however additional information pertaining to records of the administration of any funds allocated from the Historic Preservation Fund (Survey and Planning Grants), and records pertaining to participation in the National Register program will also be utilized. The certified local government shall make this information available to the MHC. Certified local government performance shall be evaluated against the criteria outlined in Appendix C: CLG Evaluation. Within sixty (60) calendar days of MHC's receipt of the final CLG annual report for the evaluation period, the Certified Local Government shall receive written notice of the evaluation, and a copy of MHC's written evaluation

comments.

- C. If the MHC's review of annual reports, or periodic evaluation indicates that the certified local government no longer meets the requirements for certification or that the performance of a certified local government is not satisfactory, the MHC shall document that assessment and notify the local government in writing, what steps are necessary to bring its performance up to a satisfactory level. The certified local government shall have a period of up to 120 days to implement improvements. If the MHC determines that sufficient improvement has not occurred, the MHC shall recommend decertification of the local government to the NPS citing specific reasons for the recommendation. The certified local government shall receive written notice of such recommendation. The local government is decertified if the National Park Service concurs in writing with the SHPO's recommendation to decertify the CLG.
- D. Upon decertification the MHC may terminate financial assistance in accordance with the Historic Preservation Funds Grants Manual, Chapter 9, Section M.
- E. Certified local governments may petition the MHC to be decertified voluntarily and without prejudice. Upon receipt of a written decertification request, the MHC shall forward such request to the NPS for the Official Date of NPS Concurrence. The MHC shall inform the certified local government of the effective date of decertification.

## **V. TRANSFER OF HISTORIC PRESERVATION FUNDS TO CERTIFIED LOCAL GOVERNMENTS**

- A. At least 10% of Massachusetts' annual allocation from the Historic Preservation Fund (HPF) shall be set aside for transfer to certified local governments. Any year in which Congress may appropriate more than \$65 million to the HPF, a different distribution formula will be in effect resulting in a proportionately larger share to certified local governments.
- B. All certified local governments in Massachusetts shall be eligible to apply for a share of the 10% HPF allocation on a 60/40 matching basis for HPF eligible historic preservation activities and projects, however the following guidelines shall apply:
  - 1. Application does not guarantee funding, as the MHC is not required to fund all eligible certified local governments.
  - 2. CLG funds are intended to supplement rather than substitute for existing local funds committed to historic preservation activities.
  - 3. The MHC shall make reasonable efforts to distribute funds among the maximum number of eligible local governments, and seek to ensure a reasonable distribution between urban and rural areas of the state, provided that each grant is sufficient to produce direct and measurable results.
  - 4. No certified local government shall receive a disproportionate share of the allocation.
  - 5. The MHC shall annually notify CLG's in writing of the availability of the 10% HPF allocation. This notification shall include the anticipated or actual amount of available funds, eligible activities, State funding priorities, criteria for selection, the procedure and schedule

for submitting funding requests, and a description of the necessary documentation for the request.

- C. Applications shall be reviewed against the MHC funding priorities established as part of the annual application. All proposals will be evaluated and selected by the MHC based on the following criteria:
1. Clearly stated and specific goals that are realistically attainable within the funding period.
  2. Demonstration of an understanding of state and local preservation planning goals and priorities, including efforts to advance the identification, evaluation and protection of historic and prehistoric properties significant in the Commonwealth's history and prehistory, and efforts to ensure maintenance of these properties. MHC preservation planning goals and priorities are outlined in two MHC publications: Cultural Resources in Massachusetts: A Model for Management and Massachusetts Historical Commission State Survey Project Regional Reports.
  3. Assurance of acceptable matching share (40%). Indirect costs may be charged as part of the certified local government grant only if the certified local government meets the requirements of the HPF Grants Manual. Unless the certified local government has a current indirect cost rate approved by a cognizant federal agency, only direct costs may be charged.
  4. The MHC will make available to the public, upon request, the rationale for funding selection and the amounts awarded.
- D. All local governments receiving a portion of the local share of the Massachusetts HPF allocation shall:
1. Be considered subgrantees of the State, and enter into a written grant agreement with the MHC.
  2. Maintain adequate financial management systems which are:
    - a. In accordance with the standards specified in the Office of Management and Budget Circular A-102, revised, "Standards for Grantee Financial Management Systems."
    - b. Auditable in accordance with the Single Audit Process of OMB Circular A-133.
    - c. Periodically reviewed and evaluated by MHC.
  3. Adhere to all requirements of the HPF Grants Manual.
  4. Adhere to any requirements mandated by congress pertaining to the use of Historic Preservation Funds.
  5. Not apply federal funds as a matching share unless in accordance with Chapter 14, Section L of the Historic Preservation Fund Grants Manual.

The Massachusetts Historical Commission is prepared to assist all certified local governments in developing and implementing financial management systems which meet the requirements listed above.

- E. All CLG activities funded by an HPF subgrant shall meet the Secretary of the Interior's "Standards for Archaeology and Historic Preservation."

## **VI. CERTIFIED LOCAL GOVERNMENT PARTICIPATION IN THE MASSACHUSETTS NATIONAL REGISTER PROGRAM**

The certified local government shall be responsible for the review of all proposed National Register nominations within its jurisdiction. Specific responsibilities for participation in the National Register Program are outlined below:

1. Prior to beginning work on a nomination, the certified local government shall be responsible for conducting a preliminary evaluation of the resource to determine its eligibility for listing on the National Register. The MHC shall provide the certified local government with a "CLGC Opinion: Eligibility for National Register" form for this evaluation. This form shall be completed and forwarded to MHC.

*NOTE:* The only exception to the above policy is for properties which come under MHC's review through State or Federal Law. In such cases MHC staff will conduct an evaluation of eligibility and notify the certified local government of its actions.

2. Within 30 days of receipt of a completed eligibility opinion form, the MHC staff will review and comment on the opinion, either concurring or disagreeing with the CLGC opinion. The certified local government shall receive notification of this review.
3. Certified local governments shall have the option of proceeding with a nomination even if the MHC does not concur with the CLGC opinion of eligibility.
4. Upon receipt of a completed nomination, MHC staff shall review the document for technical completeness, but will not do any major revisions or editing. If such changes are necessary, the nomination shall be returned to the local certified government coordinator with MHC comments for revision.
5. After the nomination is deemed complete, it will be scheduled for consideration by the State Review Board. The MHC shall notify the owner, the applicable chief local elected official, and the local historic preservation commission, 60-120 days prior to a nomination's consideration by the State Review Board.
6. During the period prior to the State Review Board meeting the certified local government commission shall provide reasonable opportunity for public comment on the nomination by holding a public hearing, or by discussing the nomination at a regularly scheduled meeting held in compliance with the Massachusetts Open Meeting Law.
7. Within 60 days of notification of the State Review board meeting, the chief local elected official shall transmit his/her recommendation on the nomination to the MHC. The original CLGC opinion form shall serve as the report required by Federal CLG Program Guidelines, unless revised by the CLGC based on information identified during the public comment period.

8. After receipt of such recommendation, or if no such recommendation is received within 60 days, the MHC shall make the nomination pursuant to section 101(a) of the National Historic Preservation Act. The MHC may expedite such process with the concurrence of the certified local government and in accordance with federal guidelines.
9. If both the certified local government commission and the chief local elected official recommend that a property not be nominated to the National Register, the MHC shall take no further action, unless within thirty days of the receipt of such recommendation, an appeal is filed with the MHC. If such an appeal is filed, the MHC shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made by the commission and the chief local elected official shall be included with any nomination submitted by the MHC to the Secretary.
10. The community's certified local government coordinator, or designee, shall be expected to present nominations at the State Review Board meeting.
11. Nominations reviewed by the MHC acting as the State Review Board, if approved by the certified local government, the MHC and the SHPO, shall be forwarded to the Keeper of the National Register in Washington, D.C.
12. Any appeal procedures promulgated by the National Park Service pertaining to local or state decisions shall be followed.

**APPENDIX A**

**CERTIFIED LOCAL GOVERNMENT APPLICATION**

**Part I**

**Town/City:** \_\_\_\_\_

**Name of Chief Elected Official:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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

\_\_\_\_\_ Phone \_\_\_\_\_

**Name(s) of Local Historic District Chairperson(s):** \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Name of Local Historical Commission Chairperson:** \_\_\_\_\_

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

\_\_\_\_\_ Phone: \_\_\_\_\_

**Name of Certified Local Government Coordinator:** \_\_\_\_\_

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

**Phone:** \_\_\_\_\_

**Part II**

**Name(s) of Local Historic Districts(s):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*For each Local Historic District please submit a copy of the ordinance or by-law.*

**Part III**

A. Please list below the names of all current local historic district and historical commission members and alternates or associate members.

Historic District Commission

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

Historical Commission

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

Staff (if any): \_\_\_\_\_  
\_\_\_\_\_

For each of the members of the local historical and/or district commission listed above, submit resumes or letters outlining their demonstrated interest, competence or knowledge in historic preservation, and indicating which members are professionals in the fields of **architecture, history, architectural history, planning, prehistoric archaeology, historic archaeology, folklore, cultural anthropology, conservation, landscape architecture or related disciplines**. Also submit resumes or letters for professional support staff if applicable.

B. Describe the efforts the local government has made to insure, that to the extent available in the community, commission members have been appointed from the above disciplines.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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## Part V

### ASSURANCES

In consideration of and for the purpose of certification of the local government by the Department of the Interior, National Park Service, through the Massachusetts Historical Commission, \_\_\_\_\_ (hereafter called "local government") hereby agrees that it will comply with the following:

1. The local government will fulfill all the standards for certification pursuant to the Guidelines, Section II, Requirements for Certification of Local Government Programs.
2. In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation to Massachusetts, the certified local government shall:
  - (a) Maintain adequate Financial Management Systems which are:
    - in accordance with the Office of Management and Budget Circular A-102, revised, "Standards for Grantee Financial Management Systems."
    - auditable in accordance with the Single Audit process of OMB Circular A-133, and
    - periodically reviewed and evaluated by the SHPO in accordance with the Office of Management and Budget Circular A-102, revised "Standards for Grantee Financial Management Systems."
  - (b) adhere to all requirements of the HPF Grants Manual.
  - (c) adhere to any requirements mandated by Congress pertaining to the Historic Preservation Fund.
  - (d) not apply transferred monies as a matching share for any other federal grant.
3. Pursuant to the Guidelines, Section IV, PROCESS FOR MONITORING, EVALUATION AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS, the certified local government shall:
  - (a) fully cooperate with the Massachusetts Historical Commission in its evaluation of the certified local government, and shall submit to the MHC office its annual reports, records of administration of funds allocated from the Historic Preservation Fund, and other documents as necessary, and
  - (b) upon notification by the MHC that the performance of the certified local government is not up to a satisfactory level, the certified local government shall implement improvements within a period of not less than 30 and not more than 120 calendar days, or the MHC shall recommend decertification of the local government to the Secretary of the Interior.

4. Pursuant to the Guidelines, Section VI, CERTIFIED LOCAL GOVERNMENT PARTICIPATION IN THE MASSACHUSETTS NATIONAL REGISTER PROGRAM, the certified local government shall:

(a) comply with required schedules for: consideration of nominations to the National Register, and notification of the Massachusetts Historical Commission.

(b) conduct public meetings in accordance with the provisions of the Open Meeting Law (M.G.L. c. 30A, Section 11A, as amended by M.G.L. c. 372 of the Acts of 1978)

This Assurance is binding on the Applicant-Local Government, its successors, transferees, and assignees; the person or persons whose signature appears below are authorized to sign this Assurance on behalf of the Applicant-Local Government.

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Dated \_\_\_\_\_ Applicant-Local Government

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

**Part VI**

**Checklist:**

Please indicate that the required documents are attached by checking the following boxes:

- // 1. A completed Assurances form signed by the chief elected official.
- // 2. A copy of the local historic preservation by-law or ordinance;
- // 3. Resumes or letters for each of the members of the local historical and/or historic district commission, indicating professional qualifications where appropriate.
- // 4. Resumes for professional support staff if applicable.

**Submittal:**

The original typewritten copy of the CLG Application and all supplemental material should be sent to:

CLG Program Coordinator  
Preservation Planning Division  
Massachusetts Historical Commission  
220 Morrissey Boulevard  
Boston, MA 02125

NOTE: THIS IS AN APPLICATION FOR PARTICIPATION IN THE CLG PROGRAM. A LOCAL GOVERNMENT, ONCE CERTIFIED, MUST MAKE A SEPARATE APPLICATION TO THE MHC FOR CLG GRANT MONIES. PLEASE CONTACT THE MHC GRANTS DIVISION FOR MORE INFORMATION.

## APPENDIX B

### ANNUAL REPORT OUTLINE

As required under the Guidelines, (Section IV, Part A) each CLG shall submit an annual report to the MHC that documents its activities and adherence to CLG program requirements. The Annual Report shall cover the period of July 1-June 30. Annual Reports are due at the MHC office by July 31. The information included in the Annual Report will be used in part to answer the questions listed on APPENDIX C: CLG Evaluation used by MHC in its triennial evaluation of CLG performance.

The following outline requests basic information and statistics regarding CLG activities. The CLG should not be discouraged from supplying additional materials, highlighting particular activities, or expressing its concerns about the CLG program from the perspective of the local government.

#### A. Enforcement of Local Legislation

1. Provide a list of the cases reviewed by street address, for each property indicate:
  - 1) type of case (alteration, new construction, demolition)
  - 2) dates of: receipt of application, hearing, issuance of certificate.
  - 3) type of certificate issued.
2. Provide three (3) sample meeting minutes providing discussion pertaining to the cases reviewed above.
3. Provide one (1) sample of the written decision notification received by applicants.

#### B. Adequate and Qualified Local Government Commission

1. Provide updated resumes of Commissioners (provide only if updated), also provide resumes for all new commissioners.
2. Indicate total number of commissioners.
3. Indicate number of commissioners who are professionals in preservation related fields.
4. Indicate number and duration of commission vacancies, and efforts to fill them.
5. Indicate CLG training sessions or workshops attended.

#### C. National Register Program Participation

1. Provide list of properties, by street address, evaluated by the CLG for listing on the National Register.
2. Provide list of properties, by street address, for which nominations to the National Register were prepared and submitted to the MHC.

3. For each nomination prepared by the certified local government and reviewed, provide the date of public hearing, or regularly scheduled meeting at which the public had the opportunity to comment on the nomination.
4. Indicate how the commission obtained professional expertise in the review of nominations normally evaluated by a professional if such expertise is not represented on the commission.

#### **D. Survey and Inventory of Historic Properties**

1. Indicate the number of survey forms produced or updated by the certified local government commission.
2. Indicate specific geographic areas of the community, individual resources, or themes, which were targeted for survey work.
3. Indicate if there has been any change in the status of the inventory in terms of its organization, storage, accessibility, etc.

#### **E. Public Participation**

1. Provide list of dates of commission meetings.
2. Provide Open Meeting Law Compliance Statement (see attached), signed by the Chairperson of the certified local government commission.
3. Indicate if there has been any change in the accessibility of commission minutes.
4. Provide any new rules, procedures or guidelines adopted by the commission.

#### **F. Funding of CLG Activities**

1. Indicate if the certified local government commission received a budget appropriation from local funds.
2. Indicate whether or not the certified local government applied for and received funding from the MHC survey and planning grant program.
3. Indicate whether or not the certified local government applied for and received funding from other public or private grant programs.

**OPEN MEETING LAW COMPLIANCE STATEMENT**

1. All meetings of the CLGC have been open to the public.
2. A notice of the date, time and place of every meeting of the CLGC has been filed with the Clerk of the city or town in which the CLGC acts and a copy of such notice has been posted in the office of the Clerk on the principal bulletin board of each city or town at least 48 hours prior to the time of each meeting, excluding Sundays and legal holidays.
3. A record of every meeting, including executive sessions has been maintained by the CLGC, including the date, time, place, members present and actions taken at each meeting.
4. All executive sessions, if any, have been held in compliance with M.G.L. C. 39, Section 23B.
5. No chance meeting or social meeting has been used to circumvent the spirit or requirements of the Open Meeting Law or to discuss or act upon a matter over which the CLGC has supervision, control, jurisdiction, or advisory power.

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Date

Chairperson, CLGC

**APPENDIX C**

**CERTIFIED LOCAL GOVERNMENT EVALUATION**

Certified Local Government \_\_\_\_\_

Date \_\_\_\_\_

The following checklist indicates the questions MHC will use during its periodic evaluation of the CLG's performance as per the CLG Guidelines and the Certification Agreement. The Annual Report will be used in part to answer these questions, however additional records pertaining to the administration of survey and planning grant projects, and participation in the National Register Program will also be utilized. In addition, meetings or a site visit by MHC staff may be arranged if necessary to clarify specific points of information.

I. Enforcement of local legislation:

REVIEW

- a. Did the CLGC consistently act within the time limits specified within the local preservation legislation? YES\_\_ NO\_\_
  
- b. Did the CLGC consistently make its decisions based on the criteria stated in the legislation? YES\_\_ NO\_\_
  
- c. During the period of evaluation were any recurrent problems noted in the administration and enforcement of the local legislation? YES\_\_ NO\_\_

PERFORMANCE

Comments: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Problems Identified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Necessary To Comply With Program Requirements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Adequate and qualified certified local government commission:

REVIEW

- |   |       |      |
|---|-------|------|
| a. Did the CLGC maintain adequate professional representation on the commission?  | YES__ | NO__ |
| b. Did the CLGC make a reasonable effort to fill commission vacancies with qualified professionals within 60 days of a vacancy occurring? | YES__ | NO__ |
| c. Did CLGC members participate in CLG training sessions or workshops?  | YES__ | NO__ |
| d. When addressing issues not within the professional expertise of its members, did the commission seek outside assistance?               | YES__ | NO__ |

PERFORMANCE

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Problems Identified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Necessary To Comply With Program Requirements: \_\_\_\_\_  
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\_\_\_\_\_  
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3. Participation in the Massachusetts National Register Program:

REVIEW

- a. Did the CLGC evaluate the eligibility of properties for listing on the National Register? YES\_\_ NO\_\_
- b. Did the CLGC seek outside expertise when reviewing nominations normally evaluated by a professional when such expertise was not represented on the commission? YES\_\_ NO\_\_
- c. Were CLGC evaluation opinions complete, indicating the National Register criteria met by recommended properties? YES\_\_ NO\_\_
- d. With what percentage of the CLGC's evaluation decisions did the SHPO concur? (satisfactory performance = 75%) \_\_\_\_%
- e. Did the CLGC prepare National Register nomination(s) for submission to the Massachusetts Historical Commission? YES\_\_ NO\_\_
- f. Were CLGC NR nominations generally acceptable for MHC consideration with revisions? YES\_\_ NO\_\_
- g. Did the CLGC allow reasonable opportunity for public comment on the properties proposed for nomination? YES\_\_ NO\_\_
- h. Did the CLGC solicit the recommendations of the chief local elected official on the properties proposed for nominations? YES\_\_ NO\_\_
- i. Did the CLGC transmit its report and the recommendations of the chief local elected official to the MHC within 60 days of notice by the Massachusetts Historical Commission? YES\_\_ NO\_\_
- j. Did the CLGC present nominations to the State Review Board? YES\_\_ NO\_\_

PERFORMANCE

Comments: \_\_\_\_\_  
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Problems Identified: \_\_\_\_\_  
\_\_\_\_\_  
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Actions Necessary To Comply With Program Requirements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. System for the survey and inventory of historic properties:

REVIEW

- a. Did the CLGC begin or continue an MHC approved survey and inventory of historic properties? YES\_\_ NO\_\_
- b. Did the inventory continue to meet format and accessibility requirements? YES\_\_ NO\_\_
- c. Did the survey and inventory work undertaken coordinate with comprehensive preservation planning goals? YES\_\_ NO\_\_

PERFORMANCE

Comments: \_\_\_\_\_  
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Problems Identified: \_\_\_\_\_  
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Actions Necessary To Comply With Program Requirements: \_\_\_\_\_  
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5. Public participation in local historic preservation programs:

REVIEW

- |  |       |      |
|--|-------|------|
| a. Did the CLGC hold meetings at regular intervals at least 4 times a year or as needed to meet official business? | YES__ | NO__ |
| b. Did the CLGC adhere to the Open Meeting Law?  | YES__ | NO__ |
| c. Did the CLGC encourage public reaction and comment on their activities?   | YES__ | NO__ |
| d. Did the CLGC prepare minutes of all its actions?  | YES__ | NO__ |
| e. Did the CLGC keep these minutes in a publically accessible location?  | YES__ | NO__ |
| f. Did the minutes cite the criteria upon which decisions were made?   | YES__ | NO__ |
| g. Did the CLGC make its decisions in a public forum?  | YES__ | NO__ |
| h. Did applicants receive written notification of commission decisions?  | YES__ | NO__ |

PERFORMANCE

Comments: \_\_\_\_\_  
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Problems Identified: \_\_\_\_\_  
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Actions Necessary To Comply With Program Requirements: \_\_\_\_\_  
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6. Funding of CLG Activities:

REVIEW

- a. Did the CLGC apply for funding from the MHC survey and planning grant program? YES\_\_ NO\_\_
- b. If survey and planning grant applications were made, did the proposed projects coordinate with the community's overall preservation planning goals? YES\_\_ NO\_\_
- c. If survey and planning grant funds were received were the projects completed, successfully and in accordance with program regulations? YES\_\_ NO\_\_

PERFORMANCE

Comments: \_\_\_\_\_  
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Problems Identified: \_\_\_\_\_  
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Actions Necessary to Comply With Program Requirements: \_\_\_\_\_  
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7. Compliance with CLG monitoring procedures:

REVIEW

a. Did the CLGC submit annual reports on time? YES\_\_ NO\_\_

b. Were annual reports complete? YES\_\_ NO\_\_

PERFORMANCE

Comments: \_\_\_\_\_  
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Problems Identified: \_\_\_\_\_  
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Actions Necessary to Comply With Program Requirements: \_\_\_\_\_  
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CERTIFICATION AGREEMENT  
BETWEEN  
THE COMMONWEALTH OF MASSACHUSETTS,  
BY AND THROUGH THE MASSACHUSETTS HISTORICAL COMMISSION  
AND THE  
TOWN OF \_\_\_\_\_

WHEREAS the Congress of the United States, in order to extend the state and federal preservation partnership to the local level, has required approved state historic preservation programs to cooperate with local governments in developing local historic preservation programs and establishing Certified Local Governments under Section 101 (c) of the National Historic Preservation Act of 1966, as amended (the Act); and

WHEREAS Certified Local Government (CLG) status provides communities with the opportunity to enhance the local government's role in preservation by formalizing and strengthening the local preservation program and its links with the Massachusetts Historical Commission (the Commission); and

WHEREAS the CLG will prepare and review National Register nominations for local approval prior to State Review Board consideration and will qualify to compete for at least 10% of the funds annually allocated to the Commission through the Historic Preservation Fund of the Department of the Interior (HPF) which the Commission is required to set aside for CLGs; and

WHEREAS the Commonwealth of Massachusetts by and through the Massachusetts Historical Commission has promulgated "Guidelines for Implementation of Certified Local Government Programs" (the Guidelines) and desire to assist the Town of \_\_\_\_\_ in becoming certified and to detail the specific responsibilities of \_\_\_\_\_ as a Certified Local Government; and

WHEREAS the Town of \_\_\_\_\_ desires to participate in the certified local government program by becoming a certified local government agency and thereby receive the benefits of participation in the designation of properties for nomination to the National Register and eligibility to apply to the State Historic Preservation Officer for matching funds;

NOW THEREFORE, in consideration of the mutual benefits derived herefrom, the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125 and the Town of \_\_\_\_\_ pursuant to the requirements of the Acts and 36 CFR Section 61.6(i), covenant and agree that the Town of \_\_\_\_\_ as a Certified Local Government, acknowledges and assumes the following responsibilities:

1. Enforce the local legislation adopted pursuant to M.G.L. Chapter 40C, or similar local legislation, for the designation and protection of historic properties in accordance with the Guidelines Part II.A, subparts 1-6 inclusive, and in accordance with rules and regulations which have been or may be promulgated by the Commission;

2. Enforce appropriate legislation of the Commonwealth, such as M.G.L. Chapter 40C, and rules and regulations which have been or may be promulgated by the Commission;

3. Establish and maintain, pursuant to laws of the Commonwealth or local law, an adequate and qualified historic preservation review commission composed of professional and lay members who have a demonstrated interest, competence or knowledge in historic preservation in accordance with Part II.B of the Guidelines, subparts 1-8 inclusive;

4. Maintain a system for the survey and inventory of historic properties pursuant to the guidelines and formats established by the Commission in accordance with Part II.C of the Guidelines, subparts 1-2 inclusive;

5. Participate in the National Register Program in Massachusetts through the preparation and review of National Register nominations prior to State Review Board consideration in accordance with the procedures and time schedules in Part VI of the Guidelines;

6. Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register, in accordance with the Open Meeting Law,

M.G.L. Chapter 39, Section 23A-23C, and Part II.D of the Guidelines, subparts 1-3 inclusive;

7. Keep such records as the Secretary of the Interior, the Commonwealth, the Commission or the State Historic Preservation Officer (SHPO) shall prescribe, including records which fully disclose the disposition by the Town of \_\_\_\_\_ of the proceeds of funds received, the total cost of the project or undertaking in connection with the funding, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit;

8. Maintain adequate financial management systems which meet federal, "Standards for Grantee Financial Management Systems", OMB Circular A-102, revised.

9. Maintain a financial system which is auditable for compliance with the Single Audit Process of OMB Circular A-133.

10. Adhere to all requirements of "HPF Grants Manual" which set forth administrative procedures and policies for Historic Preservation Fund (HPF) grants awarded by the Secretary of the Interior;

11. Adhere to any requirements mandated by Congress, the Commonwealth, the Commission or the SHPO regarding the use of funds from Historic Preservation Fund grants;

12. Not apply transferred HPF monies as a matching share for any other federal grant;

13. Participate in Commission training sessions designed to provide a working knowledge of the CLG's responsibilities under the Massachusetts National Register Program, and an understanding of the rules and operations of federal, state and local preservation programs, in accordance with Part II.B Subpart 7 of the Guidelines;

14. Fully cooperate with the Commission in its monitoring and evaluation of the CLG and submit to the Commission office the annual reports of the CLG, records of administration of funds allocated from the HPF, and other documents as necessary, in accordance with Part IV of the Guidelines;

15. Upon notification by the Commission that the performance of the CLG is not up to satisfactory level, implement improvements within 120 days or the Commission shall recommend decertification of the local government to the Secretary of the Interior, in accordance with Part IV.C of the Guidelines;

16. Satisfactorily perform the responsibilities designated to it under the Act and which have been or may be delegated to it by the Commonwealth, the Commission, or the SHPO; and

17. Adhere to all applicable provisions of the Guidelines.

Signed:

COMMONWEALTH OF MASSACHUSETTS

Date \_\_\_\_\_

\_\_\_\_\_  
Brona Simon  
Executive Director  
Massachusetts Historical Commission  
State Historic Preservation Officer

Date \_\_\_\_\_

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

\_\_\_\_\_  
Local Government