

CERTIFIED LOCAL GOVERNMENT

AGREEMENT

MHS CONTRACT #85-C 1395

This agreement is made between the CITY OF ST. PAUL and the Minnesota Historical Society.

1. As a Certified Local Government (CLG) established under the provisions of the "Guidelines of Implementation of Certified Local Government Programs in Minnesota" and of 36 CFR 61.5 and 36 CFR 61.7, made a part of this agreement by reference, the CITY OF ST. PAUL agrees to:

- A. Enforce appropriate state and local legislation for the designation and protection of historic properties.
- B. Have established an adequate and qualified historic preservation review commission by State and local legislation.
- C. Maintain a system for the survey and inventory of historic properties.
- D. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register.
- E. Satisfactorily perform the responsibilities listed in points A-D above and those specifically delegated to it under the Act by the State Historic Preservation Officer (SHPO).

2. The specific obligations of the CLG under each of the above areas are outlined in the document "Guidelines for Implementation of Certified Local Government Programs in Minnesota." Performance of these responsibilities will be demonstrated in the annual report submitted by the CLG to the SHPO by November 1 of each year (See Section I.E. of the Guidelines). Failure to report or unsatisfactory performance may be grounds for potential decertification as described in Section III of the Guidelines.

3. It is mutually understood that upon final execution of this agreement, the Local Government will achieve, subject to final review by the Secretary of the Interior, Certified Local Government status.

Transference of funds pursuant to said status will require compliance with "Procedures to award Historic Preservation funds to Certified Local Governments" February 1985.

4. Certified Local Government agrees to indemnify and save and hold the SOCIETY, its agents, contractors, and employees harmless from any and all claims or causes of action arising from the performance of this Agreement.

5. The Certified Local Government will comply with Title VI of the Civil Rights Act of 1964; Public Law 88 - 352 (78 Stat. 241; 42 U.S.C. 2000d) which prohibits discrimination and is made a part of this Agreement by reference.

I have read the above-stated contract and agree to abide by its provisions.

MINNESOTA HISTORICAL SOCIETY
690 Cedar Street
St. Paul, Minnesota 55101

CITY OF SAINT PAUL

Russell W. Fridley 9-16-85
Russell W. Fridley Date
Director and State Historical
Preservation Officer

By George Latimer
Mayor

By Edward Wan
Finance Director

Dennis Gimmestad 7/9/85
Dennis Gimmestad Date
Asst. State Historic Preservation
Officer

Approved as to Form:
James J. Sep
Assistant City Attorney

Gloria A. Thompson 9/12/85
Gloria A. Thompson Date
Contract Officer

LOCAL GOVERNMENT

see above right

Chief Local Elected Date
Official
Kath McCormick 7/30/85
Chair, Heritage Preservation Date
Commission

MHS Contract #85-C-1395

Amend Provision 1.A. of the above contract between the City of St. Paul and the Minnesota Historical Society to include the following:

"The CLG will conduct its design review of designated properties according to the Secretary of the Interior's Standards for Rehabilitation."

MINNESOTA HISTORICAL SOCIETY
690 Cedar Street
St. Paul, MN 55101

for Don M. Coddington 9-16-85
Russell W. Fridley Date
Director and State Historic Preservation Officer

D. Gim 9/13/85
Dennis Gimmetad Date
Deputy State Historic Preservation Officer

Gloria A. Thompson 9/12/85
Gloria A. Thompson Date
Contract Officer

LOCAL GOVERNMENT

George Salmer 9/13/85
Chief Local Elected Official Date

Keith McGinnick 9/13/85
Chair, Heritage Preservation Commission Date

PROCEDURES FOR APPLYING FOR AND MAINTAINING
CERTIFIED LOCAL GOVERNMENT STATUS

State Historic Preservation Office
Minnesota Historical Society
Fort Snelling History Center
St. Paul, Minnesota 55111
612-726-1171

February, 1985

PROCEDURES FOR APPLYING FOR AND MAINTAINING
CERTIFIED LOCAL GOVERNMENT STATUS
STATE HISTORIC PRESERVATION OFFICE
MINNESOTA HISTORICAL SOCIETY
FORT SNELLING HISTORY CENTER
ST. PAUL, MINNESOTA 55111
612-726-1171

INTRODUCTION

Since 1966, when Congress established a preservation program for the United States, the national historic preservation program has operated as a decentralized partnership between the federal government and the States. In the simplest of terms, the federal government established a program of identification, evaluation and protection of historic properties which the States, primarily, carry out. The success of that working relationship prompted Congress to expand the partnership to provide for participation by local government. The National Historic Preservation Amendments Act of 1980 (P.L. 96-515) contains the legal basis for the new federal-state-local preservation partnership. The role of the "certified local governments" ("CLG's") in the partnership involves 1) eligibility to apply to the State Historic Preservation Officer, for matching funds earmarked for "certified local governments" and 2) responsibility for review and approval of nominations of properties to the National Register of Historic Places. In order to become certified, a local government must meet several requirements, chief of which are to have enacted an historic preservation ordinance and appointed a qualified Heritage Preservation Commission. The federal act directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of this document is to outline the process to be followed by a local government to achieve and maintain certified status. The process of applying for funds is explained in the accompanying document "Procedures to Award Historic Preservation Funds to Certified Local Government."

Note: This certification process is a separate and distinct process from the certification of Heritage Preservation Commission ordinances and districts for purposes of extending the preservation tax incentives.

- I. Requirements for Certification of Local Government Programs in Minnesota.
- II. Process for Certification of Local Governments in Minnesota.
- III. Process for Monitoring and Decertification of Certified Local Governments in Minnesota.

Appendix A - Federal Professional Qualifications Standards

Appendix B - SHPO Responsibilities

Appendix C - Procedures for the Proper Disposal of Government Records

Appendix D - Minnesota Statutes 471.193

Appendix E - Secretary of the Interior's Standards for Rehabilitation

I. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENTS IN MINNESOTA

The federal law (National Historic Preservation Act Amendments of 1980) which established the certified local government program concept contains five broad standards, all of which must be met by a local government before the local government may be certified. The federal standards are further defined and amplified below.

- A. Local government must "enforce appropriate state or local legislation for the designation and protection of historic properties".
1. The local government must have adopted a municipal heritage preservation ordinance under the provisions of Minnesota Statutes 471.193. (Appendix D) The purpose of the ordinance must be clearly stated.
 2. The ordinance must contain a clearly defined process for the survey and local designation of significant individual historic properties and/or historic districts. Both the criteria for determining significant properties and the procedure for designating those properties must be defined. The process shall include forwarding all proposed designations to the Minnesota SHPO for comment before final local designation is made, pursuant to Minnesota Statutes 471.193 Subd. 5. Properties shall not be removed from designated status except in cases where there has been a procedural or professional error in the designation process or where the property has been destroyed or radically altered. The process for local designation must provide for public comment.
 3. The ordinance must contain a clearly defined process for the review of all proposed alterations, relocations, demolition, or new construction within the boundaries of locally designated properties and/or districts. Both the criteria to be utilized in the evaluation of proposed actions and the procedure for reviewing those actions must be clearly stated, either within the ordinance or in other procedures adopted by the local government. The Secretary of the Interior's Standards for Rehabilitation should be utilized in developing the review criteria (Appendix E) The process of permit review must provide for public comment.
 4. The HPC must adhere to Minnesota Statutes 138.17 and the procedures of the Division of Archives and Manuscripts (DAM), Minnesota Historical Society (see Appendix C) regarding commission records.
 5. Local governments should consult 36 CFR 67.8 to insure that local ordinances meet the certification criteria pursuant to the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1976. Note that certification of a local government under the CLG procedures does not constitute certification of a commission under the preservation tax incentives process.